

WEINER BRODSKY SIDMAN KIDER PC

RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
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CYNTHIA G. SWANN
MICHAEL S. WALDRON
HARVEY E. WEINER
ROSE-MICHELE WEINRYB
*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

ENTERED
Office of Proceedings

FEB 11 2003

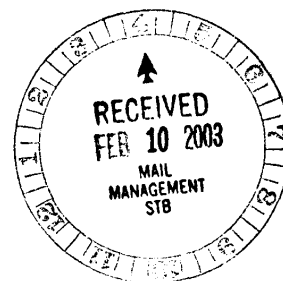
Part of
Public Record

February 10, 2003

BY HAND

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

FILED
FEE RECEIVED
FEB 10 2003



207207

Re: STB Finance Docket No. AB-846X, Illinois Indiana Development Company, LLC - Abandonment Exemption - in LaPorte County, IN; and

207209

STB Finance Docket No. AB-344 (Sub-No. 2X), Chicago SouthShore & South Bend Railroad - Discontinuance Exemption - in LaPorte County, IN

DID # 0102129001
DID # 0102129002

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceedings are an original and 10 copies of the jointly filed verified notices of exemption of (i) Illinois Indiana Development Company, LLC - Abandonment Exemption - in LaPorte County, IN and; (ii) Chicago SouthShore & South Bend Railroad - Discontinuance Exemption - in LaPorte County, IN.

In addition, enclosed are two checks totaling \$5,400 to cover the cost of each filing, \$2,700 and \$2,700, respectively.

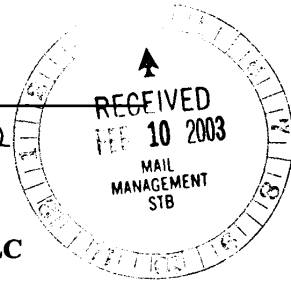
Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Troy W. Garriss

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-846X



DD# 010229001 ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN

FEE RECEIVED

FILED

FEB 10 2003

AND

FEB 10 2003

SURFACE
TRANSPORTATION BOARD

STB Docket No. AB-344 (Sub-No. 2X)

DD# 010229002 CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN

ENTERED
Office of Proceedings

FEB 11 2003

JOINTLY FILED
VERIFIED NOTICES OF EXEMPTION

Part of
Public Record

ILLINOIS INDIANA DEVELOPMENT
COMPANY, LLC

CHICAGO SOUTHSORE &
SOUTH BEND RAILROAD

By its Attorneys,

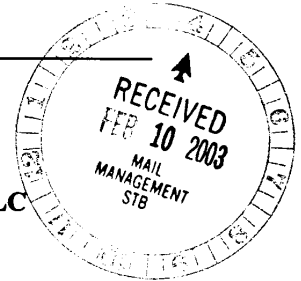
Troy W. Garris
WEINER BRODSKY SIDMAN KIDER PC
1300 Nineteenth Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

Dated: February 10, 2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**



AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

**JOINTLY FILED
VERIFIED NOTICES OF EXEMPTION**

Pursuant to the Surface Transportation Board's (the "Board's") regulations at 49 CFR § 1152.50, Illinois Indiana Development Company, LLC ("IIDC") and Chicago SouthShore & South Bend Railroad ("CSS") (together, "Carriers"), class III carriers, jointly file these Verified Notices of Exemption ("Notice") from the prior approval requirements of 49 U.S.C. § 10903, for the abandonment by IIDC and the discontinuance of service by CSS over approximately 0.6 miles of rail line ("Subject Line") on a right-of-way approximately 100 feet in width located in the town of Michigan City (pop. approx. 35,000), in LaPorte County, IN (the "Transaction"). The Subject Line extends from approximately milepost 157.9, near Dickson Street in Michigan City, northwest across Trail Creek to a point, at approximately milepost 158.5, just southeast of U.S. Highway 12. Maps of the Subject Line are attached hereto as Exhibit A.

In accordance with the Board's regulations at 49 CFR § 1152.50(d), Carriers provide the following:

1. *Proposed Consummation Date.*

The Transaction is expected to be consummated on or after April 1, 2003.

2. *Certification Required in 49 CFR § 1152.50(b).*

The required certifications are provided as Exhibit B to this Notice.

3. *Information Required in 49 CFR § 1152.22 (a)(1) - (4), (7) and (8), and e(4).*

(a)(1) *Names of Applicants.*

Illinois Indiana Development Company, LLC

Chicago SouthShore & South Bend Railroad

(a)(2) *Common Carrier Status.*

Carriers are class III common carriers by railroad, subject to 49 U.S.C. Subtitle IV, chapter 105.

(a)(3) *Relief Sought.*

IIDC seeks exemption from the Board's regulations to abandon, and CSS seeks exemption to discontinue service over, the Subject Line.

(a)(4) *Map of Subject Line.*

Maps showing the location of the Subject Line are attached hereto as Exhibit A.

(a)(7) *Representative of Applicant.*

Troy W. Garris, Esq.
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

(a)(8) *Postal Service Zip Codes.*

The Subject Line is wholly located within United States Postal ZIP Code 46360.

(e)(4) *Suitability for Public Purposes.*

IIDC intends to donate approximately half of the right-of-way, including the bridge, to Michigan City for public use. It is not likely that the remainder of the right-of-way is suitable for other public purposes.

4. *Labor Protection.*

This class exemption does not relieve the Carriers of obligations to protect the interests of their employees. No employees will be adversely affected as a result of the abandonment or discontinuance; however, the Carriers anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen Branch, 360 I.C.C. 91 (1979), for the benefit of employees who may be adversely affected by the proposed abandonment.

5. *Environmental and Historic Report.*

On November 25, 2002, the Carriers sent notice of the proposed Transaction to appropriate federal and state agencies and county commissioners (the "Agencies"). A sample letter is attached hereto as Exhibit C. On January 2, 2003, Carriers sent the Agencies a joint Environmental and Historic Report (the "Report"). A sample cover letter and the Report are attached hereto as Exhibit D. The Report included correspondence received from the Agencies by the date the Report was sent out. Subsequently, the Carriers received additional correspondence as follows:

By letter of January 7, 2003, the Indiana Department of Natural Resources, Environmental Unit, confirmed that it had received Carriers' information and was reviewing it. Exhibit E, First Letter. The agency followed up by letter of January 22, 2003, presenting no objection to the Transaction, but noting that prior approval is required for constructing, excavating or filling in or on the floodway of a stream or other flowing waterbody having a drainage area greater than one square mile. Exhibit E, Second Letter. Carriers, however, do not intend to engage in such activities.

The agency also stated that "no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity." Exhibit E, Second Letter.

By telephone call of January 9, 2003, Judy West of the U.S. Department of Interior's Fish and Wildlife Service (i) stated that her office had no further comment to add to its statement of no interest in its letter of December 4, 2002

(see Attachment 3 to Report); (ii) stated that she had forwarded a copy of Carriers' November 25, 2002 notice to the agency's Bloomington office (*cf.* correspondence from Bloomington office at Attachment 5 to Report), and was doing the same with the Report; and (iii) requested that the Bloomington office directly be sent subsequent mailings. Carriers have complied with the request.

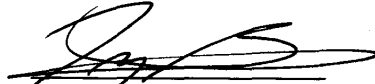
By letter of January 13, 2002, the U.S. Department of Agriculture's Natural Resources Conservation Service stated the proposed Transaction "will not cause a conversion of prime farmland." Exhibit F hereto.

By letter of January 13, 2003, the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology ("SHPO"), followed up on its previous letter of December 3, 2002 (attached to the Report at Attachment 9). The SHPO stated it has "not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential affects." Exhibit G hereto.

6. *Notice Requirements.*

A Certification of Service and Publication is attached as Exhibit H.

Respectfully submitted,



Troy W. Garriss
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

Attorneys for:
Illinois Indiana Development
Company, LLC
Chicago SouthShore & South Bend
Railroad

Dated: February 10, 2003

M:\8477\1\Michigan City Abandonment\twg704two notice exempt abandon-discont.DOC

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
– ABANDONMENT EXEMPTION –
IN LAPORTE COUNTY, IN**

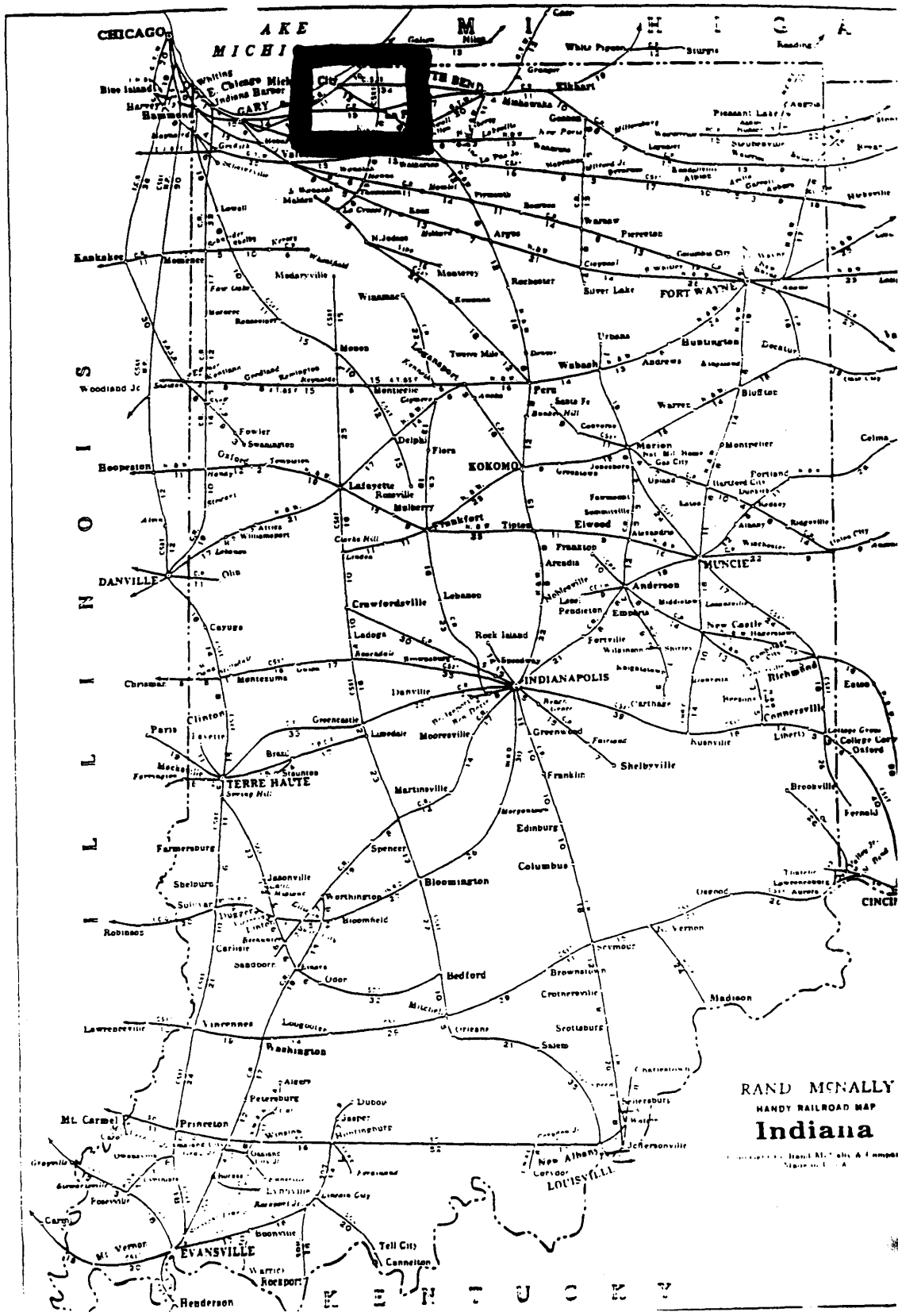
AND

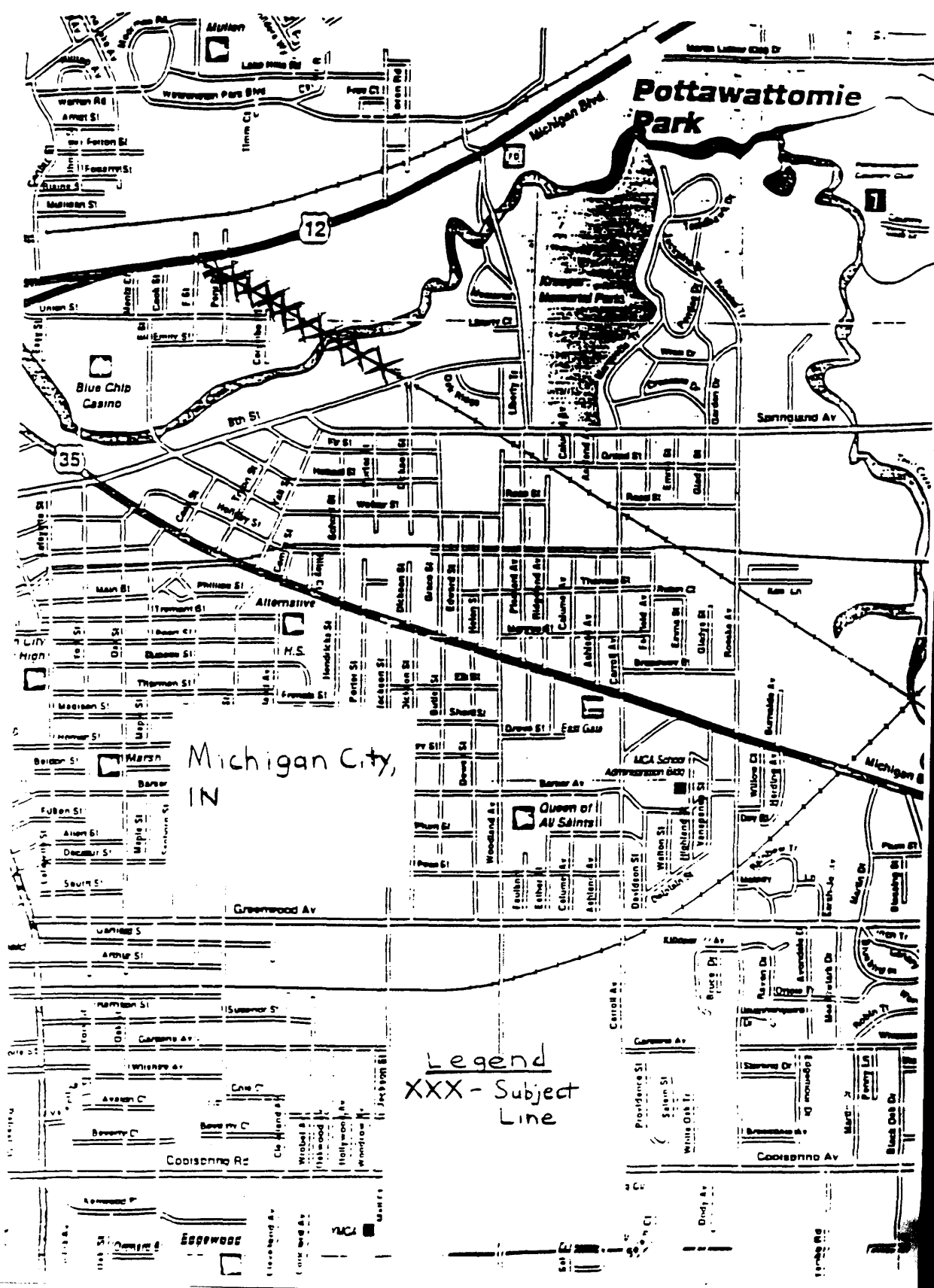
STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
– DISCONTINUANCE EXEMPTION –
IN LAPORTE COUNTY, IN**

EXHIBIT A

MAPS OF SUBJECT LINE





**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

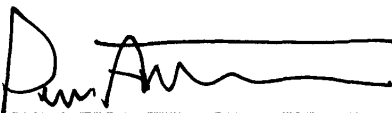
**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT B

CERTIFICATIONS REQUIRED BY 49 CFR § 1152.50(b)

CERTIFICATION OF
ILLINOIS INDIANA DEVELOPMENT COMPANY
REQUIRED BY 49 CFR § 1152.50(b)

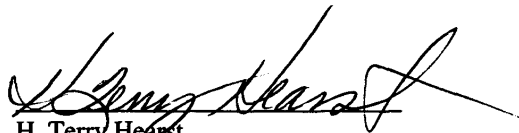
In accordance with 49 CFR § 1152.50(b), I, Peter Gilbertson, Chairman of Illinois Indiana Development Company, LLC, hereby certify that, with respect to the rail line subject to this Verified Notice of Exemption in Docket No. AB-846X: (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic, if any, can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period preceding the date hereof. The foregoing certification is made on behalf of Illinois Indiana Development Company, LLC by the undersigned after due and careful investigation of the matters herein certified and is based upon the knowledge, information and belief of the undersigned.


Peter Gilbertson

Dated: February 10, 2003

CERTIFICATION OF
CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
REQUIRED BY 49 CFR § 1152.50(b)

In accordance with 49 CFR § 1152.50(b), I, H. Terry Hearst, President of Chicago SouthShore & South Bend Railroad, hereby certify that, with respect to the rail line subject to this Verified Notice of Exemption in Docket No. AB-344 (Sub-No. 2X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic, if any, can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period preceding the date hereof. The foregoing certification is made on behalf of Chicago SouthShore & South Bend Railroad by the undersigned after due and careful investigation of the matters herein certified and is based upon the knowledge, information and belief of the undersigned.


H. Terry Hearst

Dated: February 10, 2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT C

**SAMPLE NOTICE OF
PROPOSED ABANDONMENT AND DISCONTINUANCE**

WEINER BRODSKY SIDMAN KIDER PC

RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
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HARVEY E. WEINER
ROSE-MICHELE WEINRYB
*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

November 25, 2002

BY U.S. MAIL

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Bill Hager, Commissioner

Re: Illinois Indiana Development Company, LLC – Abandonment Exemption – In LaPorte County, IN; STB Docket No. AB-846X; and Chicago SouthShore & South Bend Railroad Co. – Discontinuance Exemption – In La Porte County, Indiana; Docket No. AB-344 (Sub-No. 2X)

Dear Commissioner Hager:

On or after January 14, 2003, pursuant to 49 CFR § 1152.50, Illinois Indiana Development Company, LLC ("IIDC") expects to file with the Surface Transportation Board (the "Board") a notice of exemption from the prior approval requirements of 49 U.S.C. § 10903; the section of the ICC Termination Act of 1995 that regulates abandonment of, and discontinuance of service over, rail lines. On or about the same date, Chicago SouthShore & South Bend Railroad Co. ("CSS") expects to file a largely similar notice. The notices concern IIDC's abandonment of, and CSS's discontinuance of service over, a short, stub-ended piece of line located in LaPorte County, Indiana (the "Subject Line"). The Subject Line is approximately 0.6 miles in length, and extends from approximately milepost 157.9, near Dickson Street in Michigan City, IN, northwest to a point near U.S. Highway 12, at approximately milepost 158.5. The United States Postal Zip Code for the area is 46360.

No shipper located on the Subject Line has either shipped or received any carloads by rail for more than two years. No overhead traffic currently travels over the Subject Line.

Maps of the Subject Line are attached hereto as Exhibit A. The proceedings will be docketed as noted above. To the railroads' knowledge, without specific investigations, the Subject Line does not contain federally granted rights-of-way. Any documentation in the railroads' possession in this regard will be made available promptly to those requesting it.

November 25, 2002

Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, along with their respective notices, the railroads must file with the Board an environmental and historic report (the "Report") assessing the transactions. The environmental portion of the Report must address, among other things, the issues listed below, which may be of interest to your agency:

- The effect to any endangered or threatened species or critical habitats adjacent to the Subject Line.
- The effect on any wildlife sanctuaries or national or state parks or forests.
- Whether any designated wetlands, 100-year flood plains or designated Coastal Zone Management areas will be affected.

The historic portion of the Report must address, among other things, the following issues:

- Whether any structures located on the Subject Line, or the area on which the line is located should be listed on the National Register of Historic Places.
- Whether any environmental condition exists that could impede archeological activities.

The purpose of this letter is to alert you to the proposed transactions and to request that you furnish our firm with any information or comments, or direct any questions to us that you may have regarding these issues. If it is your opinion that the above-described abandonment does not raise any concerns from the standpoint of your agency, please furnish our firm with a letter to that effect. A copy of your letter will be attached to the Report to assure that the Board is fully apprised of your position. We would appreciate a response to this letter as soon as possible so that your views can be incorporated into the Report, a copy of which will be sent to you in about 30 days.

Thank you for your attention to this matter.

Very truly yours,



Troy W. Garis

SURFACE TRANSPORTATION BOARD

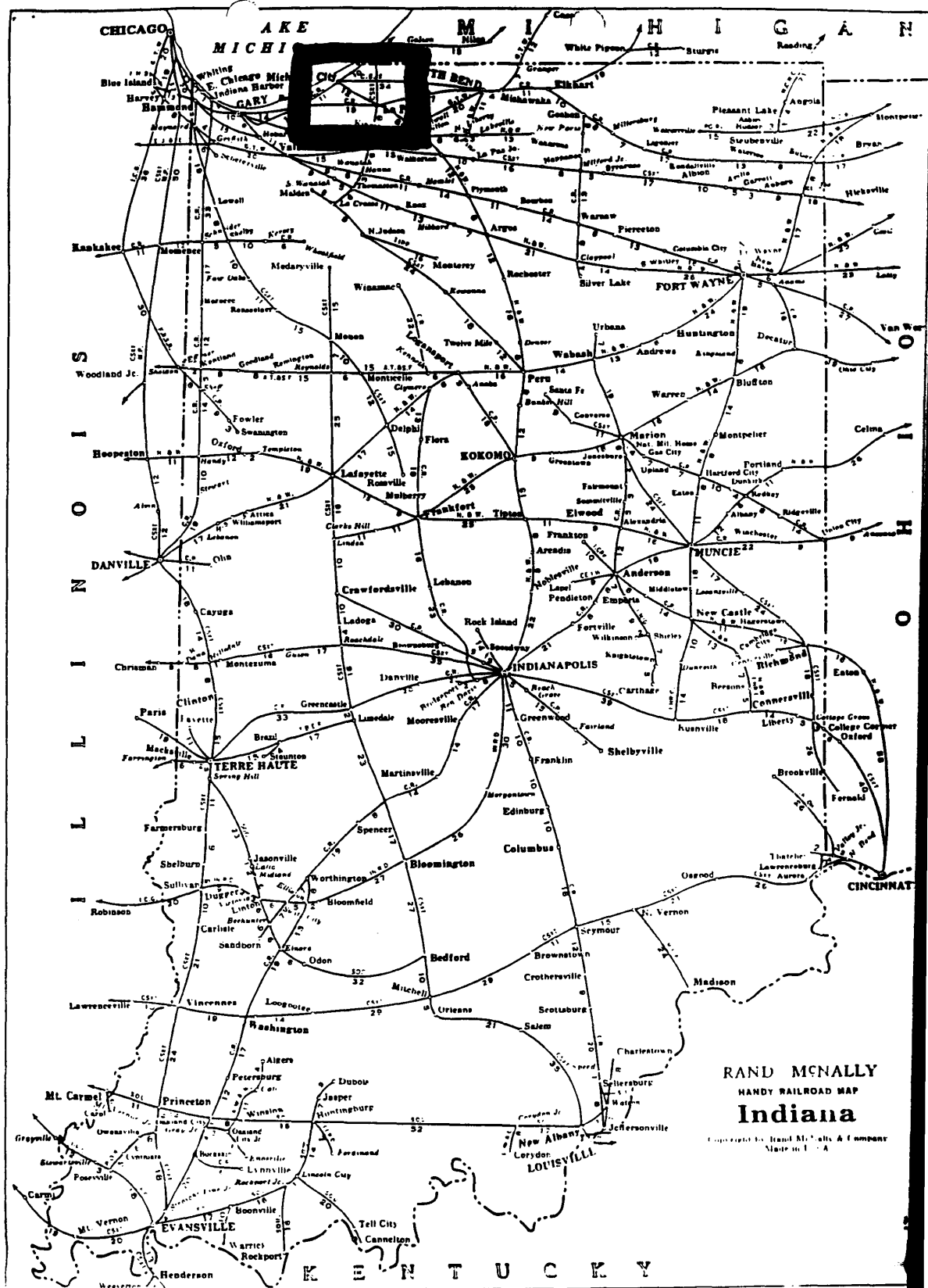
**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC –
ABANDONMENT EXEMPTION – IN LAPORTE COUNTY, IN
STB DOCKET NO. AB-846X**

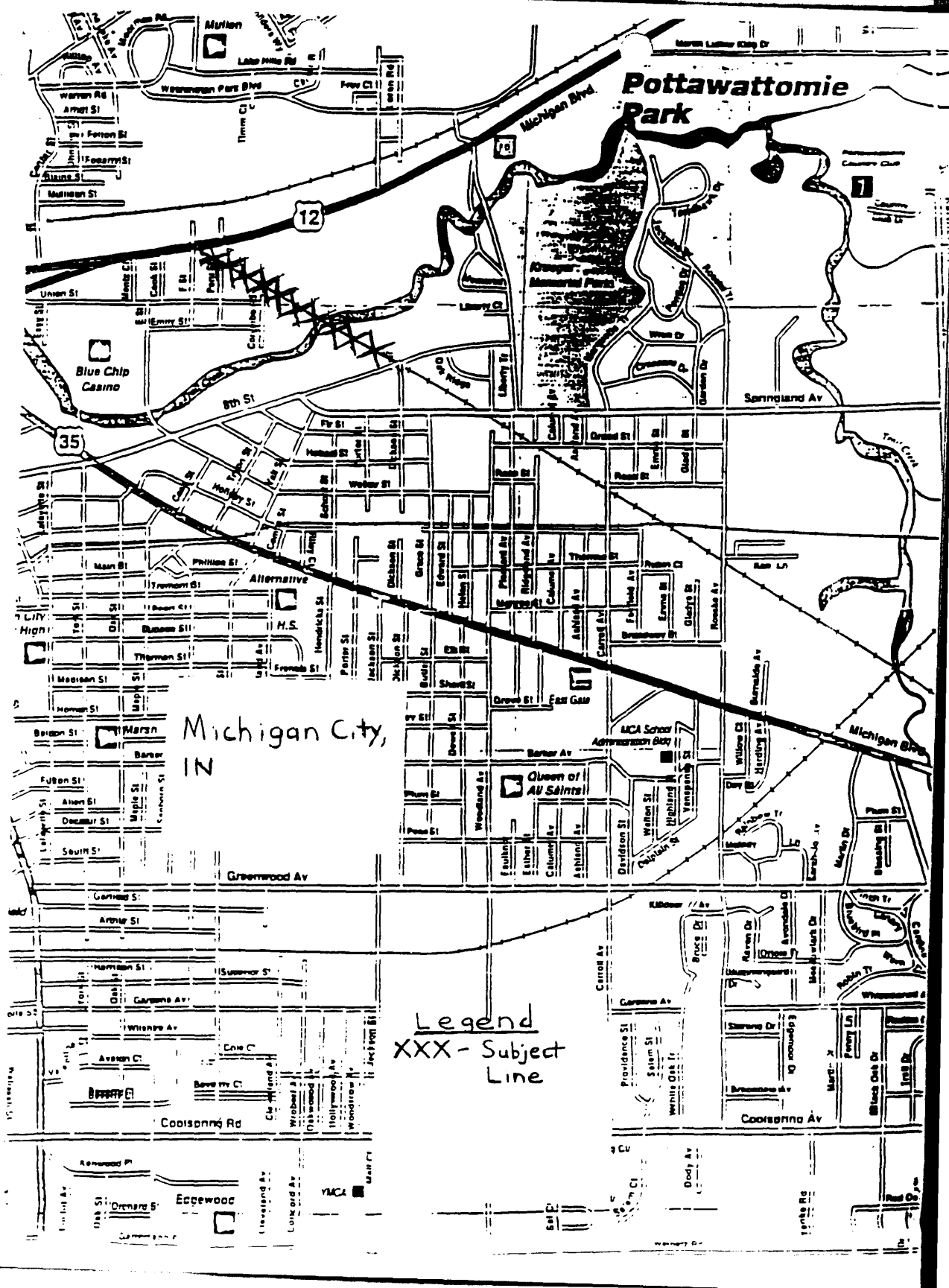
AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD CO. –
DISCONTINUANCE EXEMPTION – IN LA PORTE COUNTY, INDIANA
DOCKET NO. AB-344 (SUB-NO. 2X)**

EXHIBIT A

MAP OF SUBJECT LINE





**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT D

**SAMPLE COVER LETTER AND
THE ENVIRONMENTAL AND HISTORIC REPORT**

WEINER BRODSKY SIDMAN KIDER PC

RICHARD J. ANDREANO, JR.
SANDRA L. BRICKEL
JAMES A. BRODSKY
DONALD C. BROWN, JR.
JO A. DeROCHE
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*NOT ADMITTED IN D.C.

1300 NINETEENTH STREET NW
FIFTH FLOOR
WASHINGTON DC 20036 1609
TEL 202 628 2000
FAX 202 628 2011

January 2, 2003

BY FIRST-CLASS MAIL

MTMCTEA
Railroads for National Defense Program
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606
ATTN.: Director

Re: Illinois Indiana Development Company, LLC – Abandonment Exemption
– In LaPorte County, IN, STB Docket No. AB-846X; and Chicago
SouthShore & South Bend Railroad Co. – Discontinuance Exemption – In
La Porte County, Indiana, Docket No. AB-344 (Sub-No. 2X)

Dear Sir or Madam:

On or after January 20, 2003, pursuant to 49 CFR § 1152.50, Illinois Indiana Development Company, LLC ("IIDC") expects to file with the Surface Transportation Board (the "Board") a notice of exemption from the prior approval requirements of 49 U.S.C. § 10903; the section of the ICC Termination Act of 1995 that regulates abandonment of, and discontinuance of service over, rail lines. On or about the same date, Chicago SouthShore & South Bend Railroad Co. ("CSS") expects to file a largely similar notice. The notices concern IIDC's abandonment of, and CSS's discontinuance of service over, a short, stub-ended piece of line located in LaPorte County, Indiana (the "Subject Line"). The Subject Line is approximately 0.6 miles in length, and extends from approximately milepost 157.9, near Dickson Street in Michigan City, IN, northwest to a point near U.S. Highway 12, at approximately milepost 158.5. The United States Postal Zip Code for the area is 46360. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

WEINER BRODSKY SIDMAN KIDER PC

January 2, 2003

Page Two

IIDC and CSS are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Suite 500, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, telephone (202) 565-1545 and refer to the docket numbers listed above. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact IIDC's and CSS's undersigned representative directly, by calling (202) 628-2000 or writing to Weiner Brodsky Sidman Kider PC, 1300 19th Street, N.W., Fifth Floor, Washington, D.C. 20036.

Very truly yours,



Troy W. Garris

Enclosures

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
– ABANDONMENT EXEMPTION –
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
– DISCONTINUANCE EXEMPTION –
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8**

Illinois Indiana Development Company, LLC (“IIDC”) and Chicago SouthShore & South Bend Railroad (“CSS”) (together, “Companies”), class III carriers, in approximately 20 days jointly will file with the Surface Transportation Board (the “Board”) notices of exemption, pursuant to 49 U.S.C. § 10502 and 49 CFR § 1152.60 (the “Notice”), to respectively abandon and discontinue service over approximately 0.6 miles of rail line (“Subject Line”) on a right-of-way approximately 100 feet in width located in the town of Michigan City (pop. approx. 35,000), in LaPorte County, IN (the “Transaction”). The Subject Line extends from approximately milepost 157.9, near Dickson Street in Michigan City, IN, northwest across Trail Creek to a point near U.S. Highway 12, at approximately milepost 158.5. The only structure located on or along the Subject Line is a bridge at approximately milepost 158.13 (a/k/a Bridge 1569). The Subject Line is crossed at grade by two streets, Dickson Street and 8th Street. The Companies hereby submit this joint Environmental and Historic Report (the “Report”), as

required by 49 CFR §§ 1105.7 and 1105.8. A map of the Subject Line is attached hereto as Attachment 1.

By letters dated November 25, 2002 ("Notice of Intent"), in accordance with 49 CFR §§ 1105.7(b) and 1105.8(c), the Companies advised each federal and state agency and county commissioner identified on the list attached hereto as Attachment 2 (together, the "Agencies") about the proposed Transaction. Attached hereto are written responses to those letters that the Companies have received from the Agencies ("Responses"). All representations made herein are to the best of the Companies' knowledge and are based upon the Responses and/or oral conversations with the Agencies, and information otherwise readily available in the Companies' possession on the date of this Report.

ENVIRONMENTAL REPORT

1. *Proposed Action and Alternatives.* (§ 1105.7(e)(1))

The Companies seek authority for the Transaction, because no shipper has moved any traffic over the Subject Line in more than two years (probably, in fact, more than five years), there is no likelihood of traffic moving over the line in the near future and the Transaction will eliminate two public road crossings and the associated risks of automobile-train and pedestrian-train accidents. The Subject Line is stub-ended so there is no overhead traffic.

It is anticipated that removal from the Subject Line of rail and other track materials would be performed by a contractor. The contractor would purchase or dispose of the removed materials, as appropriate. It is expected that the bridge will be left in place.

IIDC anticipates donating to Michigan City for use for public purposes a portion of the Subject Line. It is planned that the portion will begin at a point near Dickson Street, and extend northwest to a point near the north bank of Trail Creek including the bridge. The Companies are not aware of what the city will do with the property, but the Subject Line is not suitable for other public purposes. It is a narrow strip, approximately 0.6 miles long by 100 feet wide.

2. *Transportation System.* (§ 1105.7(e)(2))

Because there has been no traffic over the Subject Line in over two years, regional or local transportation systems or patterns will not be adversely affected.

3. *Land Use.* (§ 1105.7(e)(3))

The Companies did not receive any comments from the Agencies that the proposed Transaction is inconsistent with existing land use plans; the Companies are not aware of any such inconsistencies. *See* discussion of Environmental Responses in ¶ 12.

The Companies notified the U.S. Department of Agriculture's Natural Resources Conservation Services of the proposed Transaction and have not received any comments that the proposed Transaction would have adverse effects on prime agricultural lands; the Companies are not aware of any such effects.

The Companies have not received any comments from the Agencies that the proposed Transaction would adversely affect land or water uses in a designated coastal zone; the Companies are not aware that such a zone would be affected.

As described above, the suitability of the right-of-way of the Subject Line for alternative public purposes, other than the proposed donation to Michigan City, is minimal.

4. *Energy.* (§ 1105.7(e)(4))

Because there has been no traffic over the Subject Line for more than two years, the proposed Transaction would not cause diversion of traffic from rail to motor carriers in excess of applicable thresholds in 49 CFR § 1105.7(e)(4) or affect recyclable commodities or the transportation of energy resources, or result in any change in overall energy efficiency.

5. *Air.* (§ 1105.7(e)(5))

Because there has been no traffic over the Subject Line for more than two years, the proposed Transaction will not cause effects in excess of any applicable thresholds in 49 CFR § 1105.7(e)(5).

6. *Noise.* (§ 1105.7(e)(6))

Because the proposed Transaction will not cause effects in excess of any threshold levels noted in ¶ 5 above, this subsection is not applicable.

7. *Safety.* (§ 1105.7(e)(7))

The proposed Transaction will heighten public health and safety, as it will eliminate two public street crossings.

The Companies are not aware of (i) any adverse effects the proposed Transaction would have on public health or safety, or (ii) any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way. As discussed in ¶ 12.C. *infra*, the U.S. Department of Interior's Fish & Wildlife Service-Bloomington Office ("FWS Bloomington") noted "A large confined disposal facility for contaminated sediments [] located in the northeast quadrant." That reference is to Michigan City's waste water treatment facility, which is located adjacent to, but not on,

the railroad right-of-way. The facility does not receive rail service via the Subject Line. The agency did not indicate the facility contained hazardous wastes or was a site where known hazardous material had spilled. The Companies are not aware of such wastes or sites.

8. *Biological Resources.* (§ 1105.7(e)(8))

The Companies have notified the U.S. Fish and Wildlife Service of the proposed Transaction and have not received any comments that the abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

The Companies do not know of any endangered or threatened species, areas designated as a critical habitat, wildlife sanctuaries or refuges, or National or State parks or forests that will be adversely affected by the proposed Transaction. *See* discussion of Environmental Responses in ¶ 12 below.

9. *Water.* (§ 1105.7(e)(9))

The Companies have not received any comments from the Agencies that the proposed Transaction is inconsistent with applicable Federal, State or local water quality standards. The Companies do not know of any such inconsistencies.

The Companies have advised the U.S. Army Corps of Engineers of the proposed abandonment, and have not received any comment that permits under Section 404 of the Clean Water Act are required or that any designated wetlands or 100-year flood plains will be affected. The Companies do not know of any adverse effect on such wetlands or flood plains.

The Companies have advised the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management of the proposed abandonment and

have not received any comment that permits under Section 402 of the Clean Water Act are required.

10. *Proposed Mitigation.* (§ 1105.7(e)(10))

In the event substantive concerns arise regarding adverse environmental impacts under applicable laws, the Companies will make efforts to work with the appropriate agency in order to mitigate any adverse impacts the Transaction has on the environment. *See also* Responses in ¶ 12 below.

11. *Additional Information.* (§ 1105.7(f))

Upon request, the Companies will provide the Board with additional information regarding the environmental or energy effects of the abandonment.

12. *Responses - Environmental.*

A. By letter dated December 4, 2002, the United States Department of Interior, Fish and Wildlife Service stated it did not own any lands or interests in land in the vicinity of the proposed abandonment and had no concerns regarding real estate matters in the abandonment. *See* Attachment 3 hereto.

B. By letter of December 9, 2002, the United States Environmental Protection Agency, Region 5 ("EPA") stated that it has adopted a policy of not commenting on abandonments except in exceptional cases. EPA has not commented on the proposed Transaction. *See* Attachment 4 hereto.

C. By letter of December 26, 2002, the FWS-Bloomington stated the only two species for which it noted concern in the area, were not likely to be affected. *See* Attachment 5 hereto. FWS-Bloomington stated further consultation under the Endangered Species Act would not be necessary for the Transaction as proposed. FWS-

Bloomington noted the city's waste water treatment facility is nearby, describing it as a "large confined disposal facility for contaminated sediments [] located in the northeast quadrant." As noted in ¶ 7 *supra*, the facility is not on the right-of-way and does not receive rail service over the Subject Lines. FWS-Bloomington also recommended the following: (i) minimizing tree clearing and avoiding wetland disturbance for access to work areas, (ii) avoiding certain discharges into streams, riparian areas and wetlands, (iii) certain containment if earthmoving is involved, (iv) avoiding work in Trail Creek during a specified period if bridge removal is performed, and (v) coordinating with the Indiana Department of Natural Resources if bridge removal is performed or other work is performed in Trail Creek. The Companies will seek to follow the recommended practices as described by FWS-Bloomington. As noted in ¶ 1 *supra*, it is anticipated that the bridge will not be removed. The Companies do not anticipate working in Trail Creek or engaging in earthmoving activities.

HISTORIC REPORT

1. *Map.* (§ 1105.8(d)(1))

A map showing the location of the proposed Transaction is attached to this Report as Attachment 1.

2. *Right-of-Way.* (§ 1105.8(d)(2))

The right-of-way of the Subject Line is approximately 0.6 miles in length by 100 feet in width, in an industrial area in Michigan City (pop. appx. 35,000). A few hundred feet or so to the northeast of the Subject Line are some small businesses. None of these businesses have buildings on or adjacent to the right-of-way and none are known ever to have been railroad customers.

3. *Photographs.* (§ 1105.8(d)(3))

There is only one railroad structure within the area of potential effects. It is a bridge that is 50 years old or older. Original photographs of the bridge are being forwarded to the contact office at the Board, *i.e.*, the Section of Environmental Analysis (“SEA”), and to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (“SHPO”). *See* Attachment 6.

4. *Description of Structures.* (§ 1105.8(d)(4))

As noted in ¶ 3 immediately above, there is one bridge on the Subject Line. It is approximately 60 yards in length and located at approximately milepost 158.13. It is believed to have been built in approximately 1928. A description of the bridge appears in the Bridge Condition Report in Attachment 7 hereto. The Companies are not contemplating removal of the bridge.

5. *History of Operations.* (§ 1105.8(d)(5))

Although the Companies’ records do not include sufficient information to determine when the Subject Line was built, it is believed to be of late 19th Century construction. It is believed that: it is a former Wabash Railroad line, later acquired by Norfolk and Western Railroad, which later became part of Norfolk Southern (“NS”). IIDC acquired it along with other track from NS in February 2000. As there have not been operations over the Subject Line for several years, there are no changes contemplated by the proposed Transaction.

6. *Documents.* (§ 1105.8(d)(6))

The Companies have located in their possession a diagram of the above-described bridge. *See* Attachment 8 hereto. The Companies lack other relevant plans and drawings.

7. *Historic Significance.* (§ 1105.8(d)(7))

The Companies have notified the SHPO of the proposed Transaction. The Companies have not received any comments that any site or structure on the Subject Line meets the criteria for listing on the National Register of Historic Places, or that there is a likelihood of archaeological resources or any other previously unknown historic properties in the area of the proposed Transaction, but the SHPO requested certain information not contained in the Notice of Intent. The additional information is provided herein.

With the possible exception of the bridge described above, the Companies are not aware of any historical significance relating to, or a likelihood of archeological resources or other previously unknown historic properties on, the Subject Line's right-of-way.

8. *Environmental Conditions.* (§ 1105.8(d)(8))

The Companies are not aware of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade), such as swampy conditions or the presence of toxic wastes, that might affect the archaeological recovery of resources and the surrounding terrain.

9. *Responses – Historic.*

By letter dated December 3, 2002, the SHPO requested certain routine information. *See* Attachment 9 hereto. Responsive information either was provided in the Notice of Intent or is contained herein.

M:\8477\Michigan City Abandonment\44703four brf envtl rept.doc

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

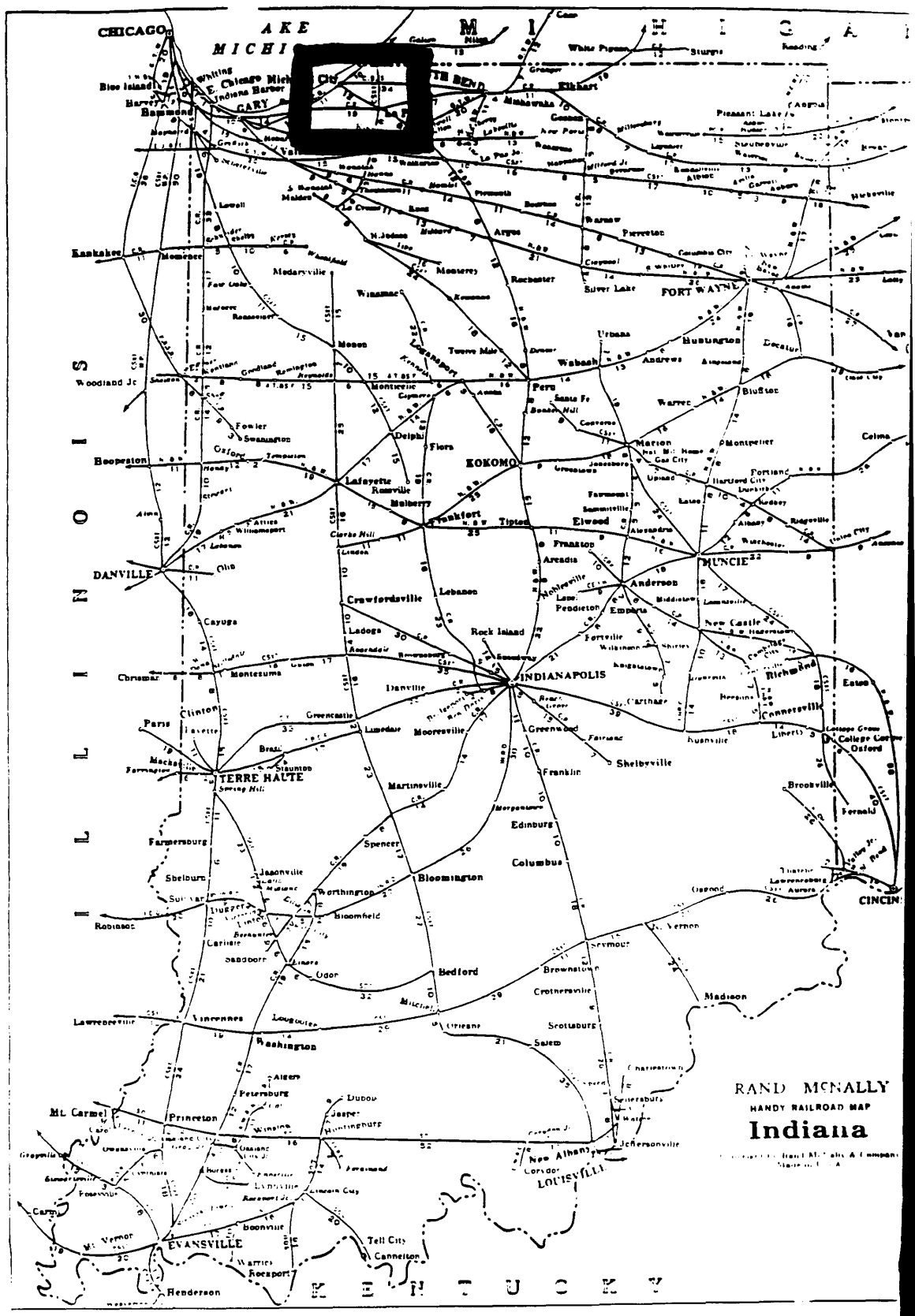
STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

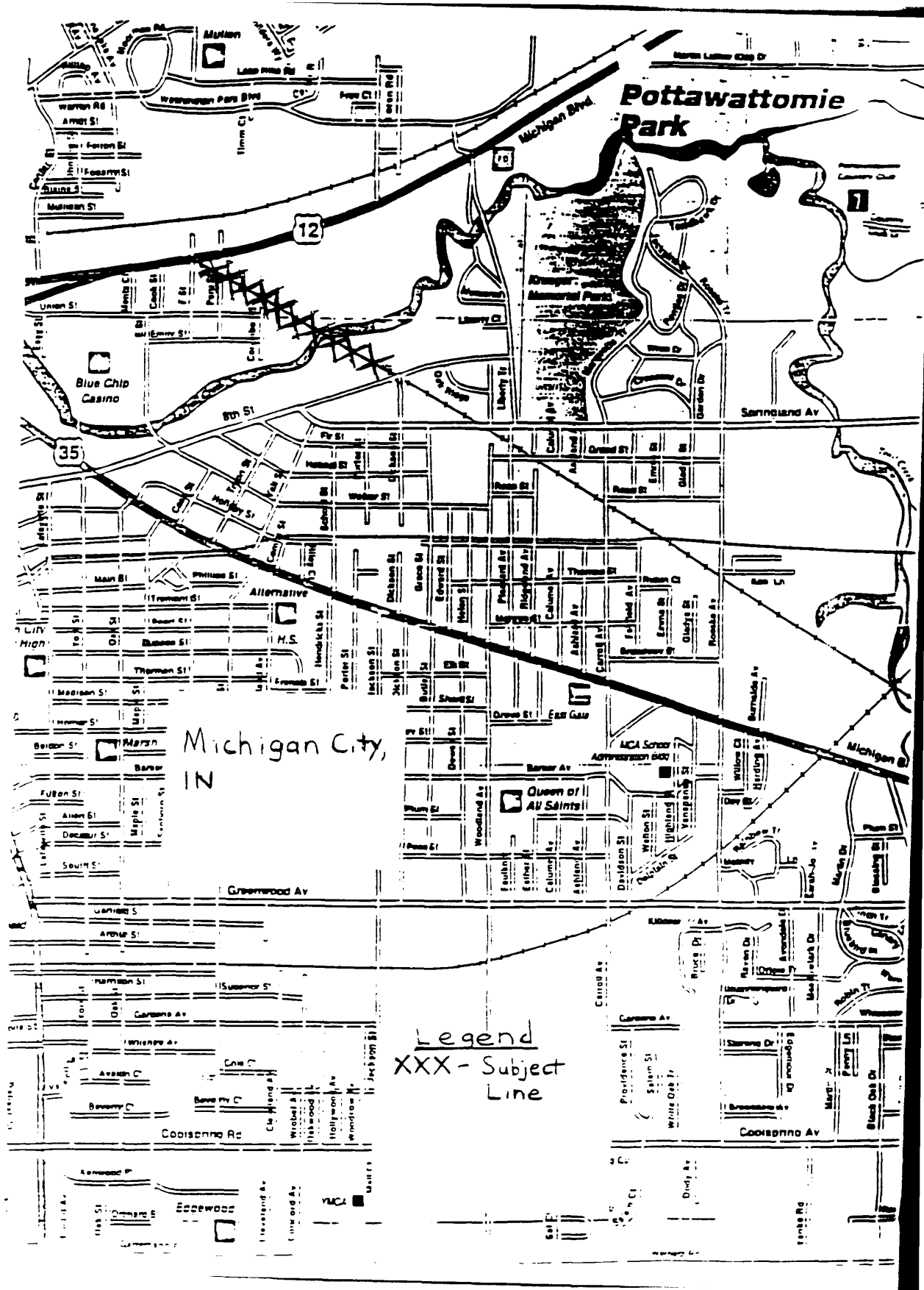
STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 1
MAPS OF SUBJECT LINE**



RAND McNALLY
HANDY RAILROAD MAP
Indiana

Copyright 1910 by Rand McNally & Company
Chicago, U.S.A.



Michigan City,
IN

Legend
XXX - Subject
Line

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 2
LIST**

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Bill Hager, Commissioner

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Marlow Harmon, Commissioner

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Clay Turner, Commissioner

Office of the Governor
200 West Washington Street
State House
Room 206
Indianapolis, IN 46204
ATTN: John Larmore, Deputy Counsel

Office of the Governor
200 West Washington Street
State House, Room 206
Indianapolis, IN 46204
ATTN: Beth Compton, Executive Assistant for
Environmental Mgmt. and Depart. of Natural
Resources
Governor Frank O'Bannon
Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46204-6015

Office of the Governor
200 West Washington Street
State House, Room 206
Indianapolis, IN 46204
ATTN: Joe Smith, Executive Assistant for
Transportation

Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46204-6015
ATTN: Lori Kaplan, Commissioner

Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington St., Rm. W-273
Indianapolis, IN 46204
ATTN: Environmental Coordinator

Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Room W274
Indianapolis, IN 46204
ATTN.: John R. Goss, Division Director

Indiana Department of Transportation
Railroad Section
100 North Senate Avenue
Room N-901
Indianapolis, IN 46204
ATTN.: Michael Scime, Railroad Section Manager

U.S. Department of Agriculture
Forest Service
P.O. Box 96090
Washington, D.C. 20250-6090
ATTN.: Chief of Forest Service

U.S. Department of Agriculture
Natural Resources Conservation Services (NRCS)
6013 Lakeside Blvd.
Indianapolis, IN 46278
ATTN: Jane Hardisty, State Conservationist

U.S. Army Corps of Engineers
Chicago District
111 N. Canal, 6th Floor
Chicago, IL 60606
ATTN.: Donald Valk, Esq.

Office of Counsel
U.S. Army Corps of Engineers
Headquarters
41 G Street, NW
Washington, DC 20314-0018
TTN.: Counsel

United States Environmental Protection Agency
Region 5
7 West Jackson Blvd.
Chicago, IL 60604
TTN.: Director

Department of Interior
National Park Service
National Center for Recreation and Conservation
201 Eye Street, NW, 9th Floor
Washington, D.C. 20240
TTN.: Tom Ross

TMCTEA
Railroads for National Defense Program
20 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606
TTN.: Director

Department of Commerce-NOAA
National Geodetic Survey; N/NGS2
1315 East West Highway; Station 8813
Silver Spring, MD 20910
ATTN.: Edward McKay, Chief-Spatial Reference
Division

Department of Interior
U.S. Fish & Wildlife Service, Region 3
Bishop Henry Whipple Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056
ATTN.: Judy West

Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W., Mail Stop 2540
Washington, D.C. 20240
ATTN.: Bill Shaddox

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 3
FISH AND WILDLIFE SERVICES LETTER DATED 12/4/02**

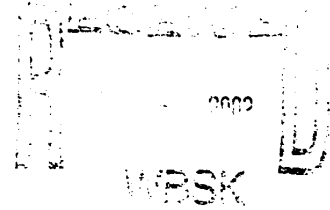


United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/NWRS-RE - General
Railroad Abandonments



December 4, 2002

Mr. Troy W. Garris
Weiner Brodsky Sidman
Kider PC
1300 Nineteenth Street NW
Fifth Floor
Washington, D.C. 20036-1609

Dear Mr. Garris:

Thank you for the opportunity to comment on the proposed abandonment of the rail line near Michigan City in LaPorte County, Indiana: STB Docket No. AB-846X and Docket No. AB-344 (Sub-No. 2X).

We have researched our ownership in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 4
ENVIRONMENTAL PROTECTION AGENCY LETTER DATED 12/9/02**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 09 2002

REPLY TO THE ATTENTION OF
B-19J

WBSK

Mr. Troy W. Garris
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW
Fifth Floor
Washington DC 20036-1609

Re: **Illinois Indiana Development Company, LLC - Abandonment Exemption - In LaPorte County, IN; STB Docket No. AB-846X; and Chicago SouthShore & South Bend Railroad Co. - Discontinuance Exemption - In LaPorte County, Indiana; Docket No. AB-344 (Sub-No. 2X)**

Dear Mr. Garris:

On January 20, 2000, the U.S. Environmental Protection Agency (U.S. EPA) Region 5, hosted an informational meeting with representative of railway companies at U.S. EPA's regional offices in Chicago to discuss issues relating to railway abandonment projects.

The informational meeting was coordinated by Region 5 to facilitate the understanding of requirements for the preparation of an Environmental Report (ER) for the purposes of rail abandonment projects. During the course of the meeting, topics such as the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA), and U.S. EPA's role in abandonment projects were highlighted. Other issues discussed included railway companies expectations, exemption and abandonment processes employed by railway companies, and environmental documentation requirements.

At the end of the meeting, representatives from the railway companies and U.S. EPA Region 5 agreed on the following points:

- In general, Region 5 will **not** respond to the railroad companies' generic consultation letters because they do not contain environmental impacts information.
- Railroad companies will provide Region 5 with early notification on railroad abandonment projects that may be non-routine (e.g., having potentially significant environmental impacts, or are controversial).
- Region 5 will review and comment on the ER only on an exception basis when it determines there may be significant environmental impacts.

Consistent with this agreement, U.S. EPA will not be conducting a detailed review of the referenced project. We are notifying you of this determination since neither your firm nor the railroad company you represent were present at the January, 2000 meeting. We ask that you disseminate this information as widely as possible within your organization and also to any and

all railroad companies that you may represent for actions within the U.S. EPA Region 5 states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin. If you have any questions regarding this letter, please don't hesitate to contact Mr. Donald Kathan of my staff at (312) 886-0448 or email him at kathan.donald@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth A. Westlake", written in a cursive style.

Kenneth A. Westlake
Chief, Environmental Planning and Evaluation Branch
Office of Strategic Environmental Analysis

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 5
FISH AND WILDLIFE LETTER (BLOOM) DATED 12/26/02**

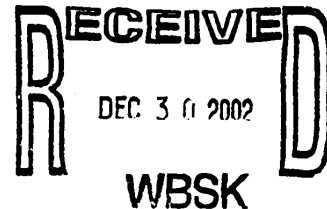


United States Department of the Interior



FISH AND WILDLIFE SERVICE
BLOOMINGTON FIELD OFFICE (ES)
620 South Walker Street
Bloomington, IN 47403-2121
(812) 334-4261 FAX (812) 334-4273

December 26, 2002



Mr. Troy Garris
Weiner, Brodsky, Sidman, Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington, DC 20036-1609

Dear Mr. Garris:

This responds to your letter of November 25, 2002 requesting U.S. Fish and Wildlife Service (FWS) review of a proposed railroad abandonment in Michigan City, LaPorte County, Indiana.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

According to your letter the proposed abandonment consists of approximately 0.6 miles of track between Dixon Street and US 12 Highway in Michigan City. The affected area is urban however it does contain habitat for fish and wildlife consisting of Trail Creek and its riparian zone, and a forested area in the southwest quadrant of the railroad bridge crossing Trail Creek. A large confined disposal facility for contaminated sediments is located in the northeast quadrant. We recommend the following measures to avoid or minimize impacts on wildlife and habitat.

1. Minimize tree clearing and avoid wetland disturbance for access to work areas.
2. Avoid discharge of demolition debris, waste material, or other pollutants into streams, riparian areas or wetlands.
3. If earthmoving is required, contain disturbed soils to prevent runoff to waterways or wetlands.
4. If bridge removal is proposed, avoid work in Trail Creek during the primary fish spawning season (April 1 - June 15) .

The Indiana Department of Natural Resources (IDNR) administers a trout and salmon stocking program in Lake Michigan and its tributaries, including Trail Creek. This program receives funding from the FWS. If bridge removal or other work in Trail Creek is proposed, you should coordinate with IDNR regarding additional measures that may be necessary for protection of the salmonid runs.

Endangered Species

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*) and federally threatened bald eagle (*Haliaeetus leucocephalus*). The proposed project is not likely to adversely affect these listed species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. If, however, new information on endangered species at the site becomes available or if project plans are changed significantly, please contact our office for further consultation.

For further discussion, please contact Mike Litwin at (812) 334-4261 ext. 205.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott E. Pruitt", with a stylized flourish at the end.

Scott E. Pruitt
Field Supervisor

cc: Andrew Pellosso, IDEM, Water Quality Standards Section, Indianapolis, IN
Christie Kiefer, Indiana Division of Fish and Wildlife, Indianapolis, IN

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

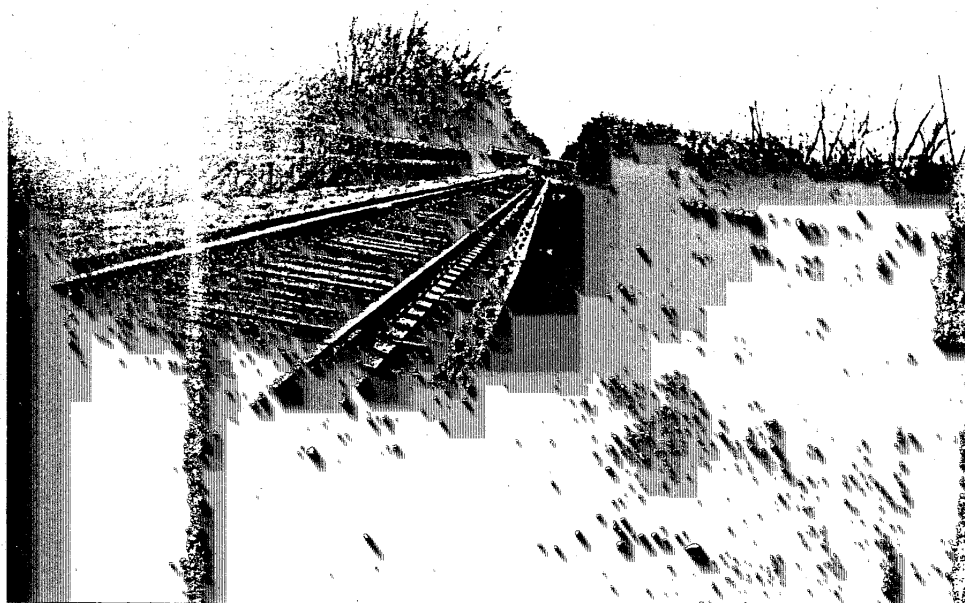
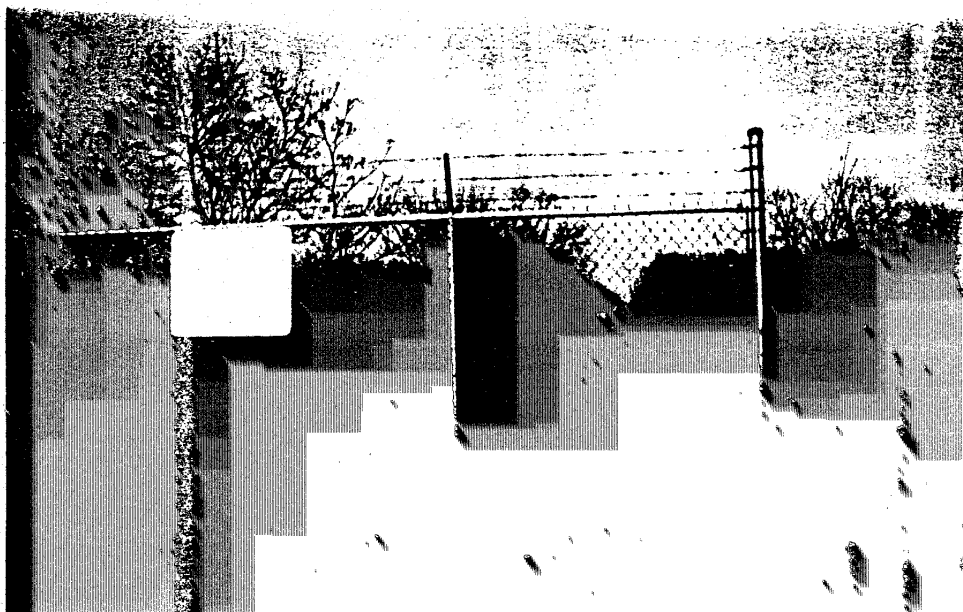
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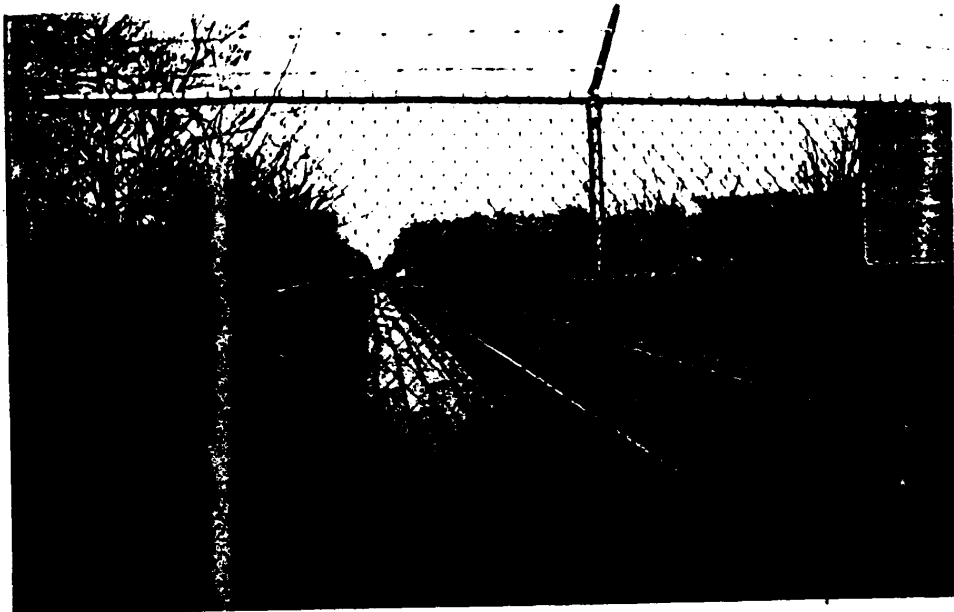
**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 6
PHOTOS**

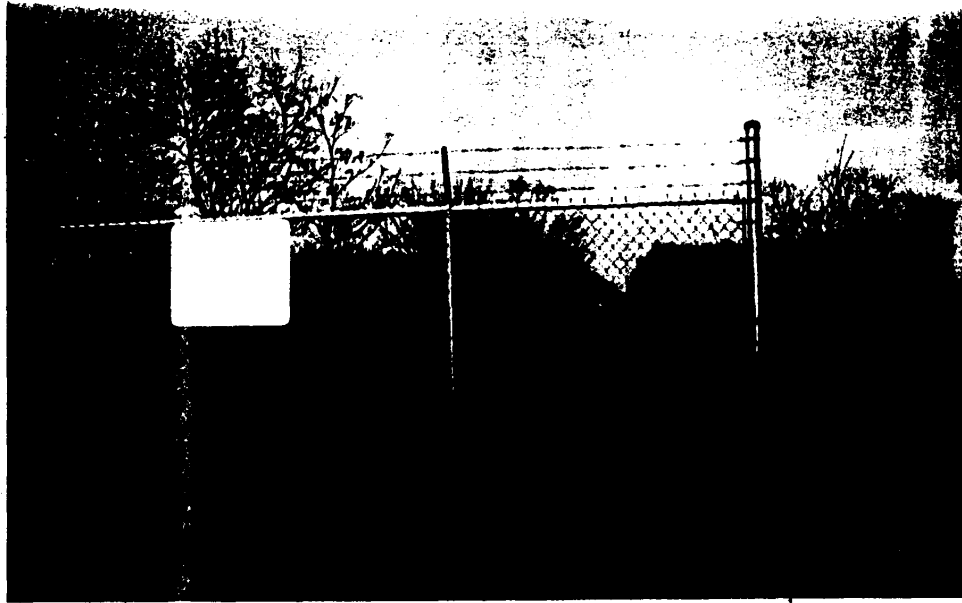


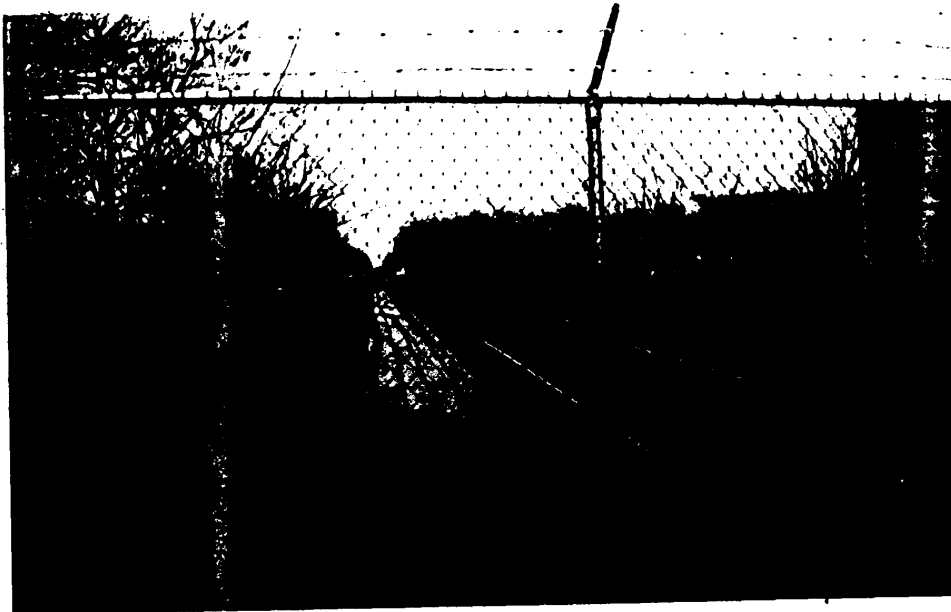














**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 7
BRIDGE REPORT**

Bridge Condition Report
Chicago SouthShore & South Bend Railroad
URS-BRW Job No. 47048-001

M.P. 158.13

The structure at M.P. 158.13 is a four-span steel deck girder bridge on timber pile bent abutments with steel sheet pile bulkheads and wingwalls and 3 timber trestle type piers. The bridge was built in 1928, assembled with steel deck girder spans from three other bridges, which were originally constructed between 1907 and 1913 and then disassembled and moved to this location in 1928 for use in the construction of this structure. The bridge carries a single track over Trail Creek. There is a timber sidewalk and railing along the East Side of the bridge. The bridge is currently closed to rail traffic.

The timber trestle style piers are in very good condition. The timber pile bent abutments, however, are in poor condition. Each abutment consists of two pile bents, a forward and a rear bent. Each bent consists of 5 timber piles and a timber cap (see bent photos for M.P. 158.13 in Appendix C). The center pile at each bent appears to be carrying the majority of the structure's load. This is due to a 1-inch gap between the bottom of the pile caps at both abutments and the outer piles of each bent. Furthermore, the two inner piles (those immediately adjacent to the outer piles) are cracked and splitting. Hammer sounding and wood coring revealed that they are hollow. The substructure in these areas would need to be rehabilitated prior to opening the bridge to traffic.

The sheet pile bulkhead and wingwalls are in excellent condition. However, there is a timber retaining wall at the northwest corner of the structure that is deteriorating and will need to be replaced in the future if the bridge is put back into service.

Each span consists of two steel deck girders, which support the open timber deck. The steel girders were inspected by walking on top of the lateral bracing between them. The girders appear to be in fair condition. There are holes in the girder webs at the abutment bearing locations. The last paint date stenciled on the structure is July of 1980. The current paint system has failed severely. There is substantial section loss to the top flange of both girders at each rail tie location across the length of the bridge. The existing bearings consist of multiple layers of stacked steel plates. At all bearing locations, these plates are rust packed and bulging (as can be seen in the bearing photo for M.P. 158.13). All bearings should be replaced if the bridge is to be put into service.

There are numerous lateral and cross bracing gusset plates with holes in them. Substantial section loss has occurred at both the gussets and adjacent rivet heads. One of the cross braces, at the south end of span 3, appears to have been bent and pulled away from the connecting gusset plate. This may have occurred when the spans were moved to this location. Existing plans show that the bridge is composed of spans from two other bridges salvaged and incorporated together to construct this bridge.

The replacement of gusset plates, patching girder webs and cover plating of the top girder flanges should be done as an immediate repair if the bridge is to be reopened to traffic.

The track ties are in very poor condition on this structure. Simply walking on the ties causes cracking and creaking noises. Furthermore, many have rotted and have holes in them (see tie photo for M.P. 158.13). The bridge should be retied if there are plans to reopen it to traffic.

- Most of the timber sidewalk is in good condition, although the timbers are dried out and two partial depth holes exist in the planking. The timber railing running along the East Side of the sidewalk appears to be in very good condition and does not waver when impacted by a person.
-

- As it stands, the bridge does not require any maintenance as long as it remains closed and unused. Should the SouthShore Railroad wish to re-open the bridge to traffic, the aforementioned repairs would need to be made after a thorough inspection is performed.
-

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

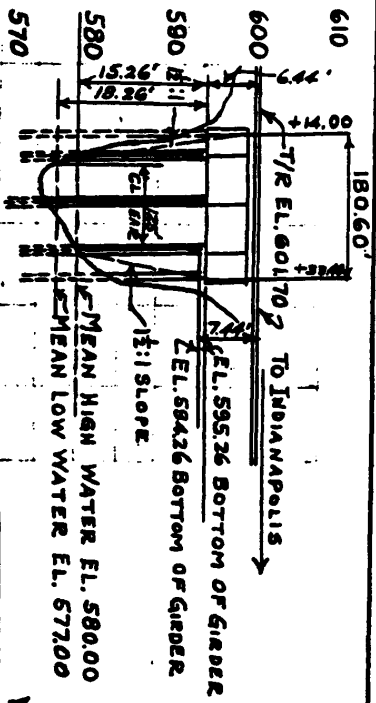
STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 8
DIAGRAM**

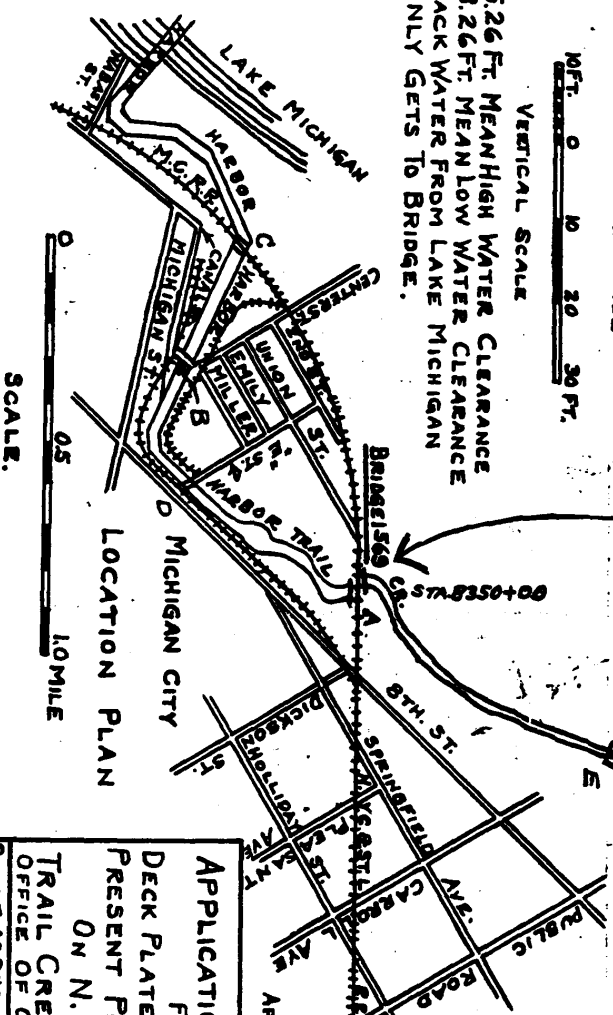


PROFILE

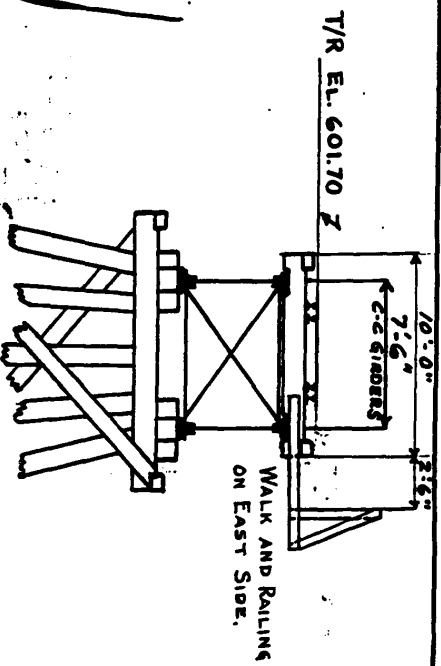
HORIZONTAL SCALE

VERTICAL SCALE

15.26 FT. MEAN HIGH WATER CLEARANCE
18.26 FT. MEAN LOW WATER CLEARANCE
BACK WATER FROM LAKE MICHIGAN
ONLY GETS TO BRIDGE.



LOCATION PLAN



SECTION AT CENTER BENT

SCALE	PIERS TO CLEAR	CLEARANCE
1.76	12.5'	18.26
0.16	70'	4.70
0.65	50'	5.50
1.46	43'	5.00
2.51	50'	8.50

APPLICATION BY N.Y.C. & ST.L.R.R.
FOR PROPOSED
DECK PLATE GIRDER BRIDGE TO REPLACE
PRESENT PILE TREESTLE BRIDGE 1569
ON N.Y.C. & ST.L.R.R. OVER
TRAIL CREEK
MICHIGAN CITY, IND.
OFFICE OF CHIEF ENGR., CLEVELAND, OHIO.
SCALE AS SHOWN IN DRAWING F.M. 51 JUNE 18-1928

158.13

L-1869-281

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-846X

AND

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

STB DOCKET NO. AB-344 (Sub-No. 2X)

**ATTACHMENT 9
DEPARTMENT OF NATURAL RESOURCES LETTER DATED 12/3/02**



Indiana Department of Natural Resources

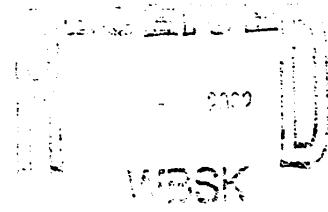
Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2730
Phone 317-232-1646 • Fax 317-232-0693 • dnpa@dnr.state.in.us

Frank O'Bannon, Governor
John Goss, Director



December 3, 2002

Troy W. Garriss
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington DC 20036-1609



Federal Agency: Surface Transportation Board

Re: Abandonment of approximately 0.6 miles of the Chicago South Shore and South Bend rail line from approximately milepost 157.9 to approximately milepost 158.5 (Docket #AB-344 [Sub #2X])

Dear Mr. Garriss:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated November 25, 2002, and received by the Indiana SHPO on November 27, 2002, for the above indicated project in Michigan City, LaPorte County, Indiana.

A complete analysis of the submitted project is not possible, as the information provided is incomplete.

Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) Provide a letter or copy of a letter from the Federal agency indicating the authorized representatives who may act on behalf of the Federal agency.
- 2) Define the area of potential effects¹ and provide a map or a good quality photocopy of a map containing the following:
 - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
 - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 3) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).
- 4) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 5) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*.
- 6) List all sources checked for your historical research of the *area of potential effects*.

¹ Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R. § 800.16[d]).

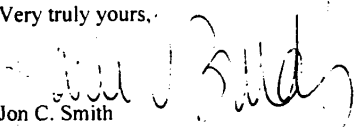
Troy W. Garris
December 3, 2002
Page 2

- 7) Provide recent, clear photographs or good quality computer-generated images (not photocopies), keyed to a site plan, showing the exterior (and interior, if feasible) of any buildings, structures, objects, or land *that could be affected in any way by the project*.
- 8) Describe the current and past land uses within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicated the part or parts of the project area that have been disturbed and the nature of the disturbance; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions, please contact Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,


Jon C. Smith
Deputy State Historic Preservation Officer

JCS:KAB:kab

Enclosures

cc: Elaine K. Kaiser, Surface Transportation Board
Christie Kiefer, Division of Water, Indiana Department of Natural Resources

Useful Resources for Section 106 Reviews
(Last Updated August 13, 2002 - i:\enreview\administ\handouts)

WEBSITES:

- www.achp.gov** - Website for the Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the major policy advisor to the Government in the field of Historic Preservation. They also oversee the implementation of the Section 106 regulations. The Section 106 regulations (36 C.F.R. Part 800) can also be referenced on this website.
- www.cr.nps.gov/nr/** - Website for the National Register of Historic Places. This website not only gives general information on the National Register program, but allows one to search the National Register database by state and county for a list of all resources listed in a particular county.
- www.indianahistory.org** - Website for the Indiana Historical Society. The Indiana Historical Society's website provides information on the programs and services of the organization. It also contains lists of many local preservation organizations in Indiana sorted by county as well as a list of the county historians.
- www2.cr.nps.gov/tps/briefs/presbhom.htm** - Website for the *Preservation Briefs*. The *Preservation Briefs* provide technical assistance on various aspects of building rehabilitation as well as other related preservation topics.
- www2.cr.nps.gov/tps/standards/** - Website for the *Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.
- www2.cr.nps.gov/tps/care** - This new website, which is part of the National Park Service's Heritage Preservation Services, is devoted to all aspects of caring for historic buildings. One useful feature is a couple of interactive rehabilitation case studies that allow one to apply the *Secretary of the Interior's Standards for Rehabilitation*. The *Secretary's Standards* can be referenced at www2.cr.nps.gov/tps/tax/rehabstandards.htm.
- www.state.in.us/dnr/historic/index.htm** - Website for the Indiana Division of Historic Preservation and Archaeology. It gives information on the various programs offered by our office along with information on the various sections of the office. NOTE: The Section 106 information is currently out of date, but will hopefully be updated in the near future.
- terraserver.microsoft.com** - This website provides access to quad maps and aerial photographs for the United States. Some of the aerial maps on the website were taken as recently as 1998, which provides up to date information on where buildings exist in close proximity to project areas. NOTE: There is no "www" in this website address.
- www.historiclandmarks.org** - Website for Historic Landmarks Foundation of Indiana ("HLFI"). HLFI is the largest statewide non-profit preservation organization in Indiana. HLFI can provide information on interim reports, and the regional offices may be able to provide historical information for a particular area in their vicinity.

www.doi.gov/bia/tribes/entry.html - The Bureau of Indian Affairs can provide information on any Native American tribes that may have a vested interest in your project area. This website provides a list of federally recognized tribes. A list of Tribal Historic Preservation Officers (THPO's) can be found on the Advisory Council's website at www.achp.gov/thpo.html.

www.cr.nps.gov/nr/listing.htm - This website provides you with information on applying the National Register Criteria. By clicking on [How to Apply the National Register Criteria](#) text on the last page, you will find the information that is printed in *Bulletin 15, Applying the National Register Criteria for Evaluation*.

www.cast.uark.edu/other/nps/nacd/nacd.html - Website for the Native American Consultation Database. This website contains contact names and addresses of Native American groups.

OTHER USEFUL RESOURCES:

Interim Reports - The Interim Reports provide surveys of historic buildings, structures, districts, and objects for various Indiana counties. Copies of Interim Reports are usually available at local historical societies and public libraries. A complete set can also be found at the Indiana State Library in Indianapolis. Furthermore, copies of many Interim Reports can also be purchased from Historic Landmarks Foundation of Indiana [340 West Michigan Street, Indianapolis, Indiana 46202, (317) 639-4534, www.historiclandmarks.org]. Please refer to the attached list of counties that have been surveyed.

Historical Societies and County Historians - Local historical societies and county historians can provide additional information on the history of a particular area. Furthermore, they may possess county histories and historical atlases, which are good resources for historical documentation. NOTE: Most historical societies and county historians are not familiar with the Section 106 process and do not have the knowledge to make determinations of eligibility for potential historic resources or make determinations of effect.

National Register Bulletins - The National Register Bulletins provide information on various aspects of the National Register program. Of particular interest is *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, which is useful in helping to determine whether or not a property is eligible for inclusion in the National Register.

Contact Information for the Indiana Division of Historic Preservation and Archaeology:

Mailing Address: Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, W274
Indianapolis, Indiana 46204

Phone Number: (317) 232-1646

E-mail: dhpa@dnr.state.in.us

Our Staff:

Jon Smith, Director
Shelia Griffin, Administrative Assistant

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Dr. Rick Jones, State Archaeologist
Jim Mohow, Staff Archaeologist
William Mangold, Staff Archaeologist

Amy Johnson, Mining, Staff Archaeologist

Historic Structures Reviewers:

John Carr, Chief, Historic Structures Review
Michelle Daleiden-Fischer, Senior Structures Reviewer
Karie Brudis, Structures Reviewer

Federal and State Tax Credits:

Dave Duvall, Historical Architect

Survey and Registration:

Frank Hurdis, Chief, Survey and Registration
Paul Diebold, Architectural Historian
Amy Walker, National Register Assistant

Grants:

Steve Kennedy, Grants Manager
Malia Savarino, Assistant Grants Manager

Clerical:

Sue Judy, Secretary

Other:

Jeannie Regan-Dinius, Cemetery Registry Coordinator

Counties surveyed by Historic Landmarks Foundation or other organizations

ALLEN (City of Fort Wayne)
BARTHOLOMEW
BOONE
BROWN
CARROLL
CASS
CLARK
CLAY
CLINTON
DAVISS
DEARBORN
DECATUR
DELAWARE
DUBOIS
ELKHART
FAYETTE
FLOYD
FOUNTAIN
FRANKLIN
FULTON
GIBSON
GRANT
GREENE
HAMILTON
HANCOCK
HARRISON
HENDRICKS
HENRY
HUNTINGTON
JACKSON
JAY
JEFFERSON
JENNINGS
JOHNSON
KNOX
KOSCIUSKO
LAKE
LAPORTE
LAWRENCE
MADISON

MARION
CENTER TOWNSHIP
DECATUR TOWNSHIP
FRANKLIN TOWNSHIP
LAWRENCE TOWNSHIP
PERRY TOWNSHIP
PIKE TOWNSHIP
WARREN TOWNSHIP
WASHINGTON TOWNSHIP
WAYNE TOWNSHIP
MARSHALL
MIAMI
MONROE
MONTGOMERY
MORGAN
NOBLE
OHIO
OWEN
PARKE
PERRY
PORTER
POSEY
PUTNAM
RANDOLPH
RIPLEY
RUSH
ST. JOSEPH
SHELBY
SPENCER
SULLIVAN
SWITZERLAND
TIPPECANOE
VANDERBURGH
VERMILLION
VIGO
WABASH
WARRICK
WAYNE
WELLS
WHITE
WHITLEY



Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

SUMMARY OF THE KEY STEPS FOR CARRYING OUT THE SECTION 106 REVIEW PROCESS IN
INDIANA (UPDATED AS OF 01/31/01 i:\enreview\administ\handouts\106step)

INTRODUCTION

Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and the Section 106 regulations (36 C.F.R. § 800 as revised effective January 11, 2001) require that any Federal agency or its delegatee having jurisdiction over a project that will be funded or licensed by that Federal agency or its delegatee take into account the project's effect on historic properties and give the Indiana State Historic Preservation Officer ("SHPO") and another Federal agency, the Advisory Council on Historic Preservation, a reasonable opportunity to comment on the project. An historic property is any district, building, structure, object, or site that is either listed in or eligible for the National Register of Historic Places.

Unlike all other Federal agencies, the U.S. Department of Housing and Urban Development ("HUD") has delegated its responsibility under Section 106 to local governments that receive Community Development Block Grant funds from HUD, either directly or through grant programs such as the Indiana Department of Commerce's Community Focus Fund ("CFF") or programs administered by the Indiana Housing Finance Authority ("IHFA"). Therefore, the local government that receives or hopes to receive such a grant bears the responsibility of ensuring that the Section 106 process is completed, usually before the project begins. Consequently, all references to the "delegatee" specifically refer to those local governments legally delegated by HUD for certain HUD programs. The following discussion refers to certain responsibilities of the Federal agency or its delegatee.

STEP 1: INITIATING THE SECTION 106 REVIEW PROCESS

The Federal agency or its delegatee must determine whether the proposed action is an undertaking as defined in 36 C.F.R. 800.16(y), and, if so, whether it is a type of activity that has the potential to cause effects on historic properties 36 C.F.R. § 800.3. If the Federal agency or its delegatee has determined that the undertaking is the type of activity that has the potential to cause effects on historic properties, then the Federal agency or its delegatee needs take steps to involve the public and identify the appropriate officers who need to be involved in the process.

"Consulting parties," where appropriate, must be invited by the Federal agency or its delegatee to participate in the consultation process. It is the Federal agency or its delegatee's responsibility, in consultation with the SHPO, to identify consulting parties and formally grant specific parties the ability to participate in consultation at the beginning of the review process. The SHPO automatically participates in consultation and special invitation is not needed.

An initial submission to the SHPO should include a letter from the Federal agency or its delegatee identify the contact names and addressed of consulting parties, if any, who have been invited and authorized by the Federal agency or its delegatee to participate in consultation. If no additional consulting parties will be participating, then provide a brief explanation of why (i.e. the nature or scope of the project, a written or lack of reply to an invitation by a designated time, etc.) Be advised that the naming of consulting parties at the beginning of the review process *does not preclude* the invitation of additional consulting parties once the review process has been initiated. Applicants for Federal assistance, permits, licenses or other approvals are entitled to participate as consulting parties as long as they are invited to do so.

Ultimately, the Federal agency or its delegatee has the role of deciding who may participate as consulting parties. *Moreover, the SHPO may consult with an applicant other than a formal delegatee acting in the place of the Federal agency, only where the applicant has received express, written authorization from the Federal agency or delegatee and a copy of the authorization document has been provided to the SHPO.*

STEP 2: IDENTIFYING HISTORIC RESOURCES

The current regulations set forth that the Federal agency or its delegatee "shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey" (36 C.F.R. § 800.4 [b][1]). Although this step remains largely unchanged from the former regulations, recent modifications include a greater emphasis upon the documentation of the steps that must be followed by the Federal agency or its delegatee to identify historic resources and specific flexibility measures for the Federal agency or its delegatee to carry out the identification process. It is important to gather information for the evaluation of all resources within the area of potential effects (see definition below), especially those resources that will be affected. The Federal agency or its delegatee is entitled to enlist the services of consultant to assist with the identification process. However, *a consultant must have received express, written authorization from the Federal agency or its delegatee to act on its behalf to gather historic information and a copy of the authorization document must have been submitted to the SHPO prior to or at the commencement of consultation.*

Determining the scope of identification efforts through the area of potential effects

The Federal agency or its delegatee also needs to determine the *area of potential effects*, which means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist. The scale and nature of an undertaking help to determine the appropriate boundaries of the *area of potential effects*. It is especially important to note that the area of potential effects *is not influenced by the pre-existing awareness of historic or non-historic resources*. Defining the area of potential effects is the first step for determining the scope of identification efforts, and needs to be established before one begins to seek information to assess the potential historic properties. Although defining the area of potential effects was part of the former review process, it often went unspoken or unwritten unless a memorandum of agreement was prepared. To define the area of potential effects, one must take into account effects that are *direct or indirect, cumulative, later in time, or at a distance*. Once a good faith effort has been made to define the area of potential effects, then it is necessary to consult with the Indiana SHPO. The Federal agency or its delegatee is also entitled to enlist the services of an authorized consultant to assist in this step.

Evaluating historic resources

Below, we have listed some of the most heavily used sources to help the Federal agency, its delegatee, or the authorized consulting parties evaluate historic resources:

- a) The National Park Service (NPS) maintains a database list of all those properties that are currently listed in the National Register of Historic Places. This information is accessible through the NPS website (www2.cr.nps.gov/nr/).
- b) The NPS's *National Register Criteria for Evaluation* are used for considering whether a property is eligible for inclusion in the National Register. The criteria are found in the publication entitled National Register Bulletin 15, which may be obtained by writing to the National Register of Historic Places, National Park Service, U.S. Department of Interior, Post Office Box 37127, Washington D.C. 20013-7121.
- c) About two-thirds of the counties in Indiana have been surveyed to identify potential historic buildings, structures, objects, and districts. Furthermore, the results of the most of the surveys have been published in Interim Reports. Although some of the Interim Reports are available for purchase through the Historic Landmarks Foundation of Indiana at (317) 639-4534, others are out of circulation. However, all of them can be found at the Indiana State Library. Also, many of the Interim Reports can be found at local libraries and historical organizations.
- d) Historic preservation organizations and county historians may also have historical information on a particular resource or area. For a list of contact names, addresses, and telephone numbers, please check the website of the Indiana Historical Society (www.indianahistory.org).
- e) Other sources that might be useful for identifying potential historic or archaeological resources include: Sanborn maps (available for reference at the main library of Ball State University or the Geography Library at Indiana University), U.S. Geological Survey maps, old atlases, census information, local, county or regional histories and prehistories, and other records indicating previous land use.

Documenting findings

After evaluating the historical significance of the properties within the area of potential effects, the Federal agency or its delegatee is supposed to provide documentation of its determination and findings to parties specified in the Federal regulations *and* ensure that a determination, finding or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis pursuant to 36 C.F.R. § 800.11(a).

No historic properties affected

In the event that the Federal agency or its delegatee finds that *no historic properties will be affected*, then the Federal agency or its delegatee shall:

- a) Notify SHPO of its findings and provide SHPO with *required* documentation pursuant to 36 C.F.R. § 800.11(d).
 - 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
 - 2) A description of the steps taken to identify historic properties, including as appropriate, efforts to seek information; and
 - 3) The basis for determining that no historic properties are present or affected.
- b) Notify all consulting parties of the finding and make the above documentation available for public inspection.

Historic properties affected

In the event that the Federal agency or its delegatee finds that there are *historic properties which may be affected* by the undertaking, *or* the SHPO disagrees with a finding that no historic properties will be affected, then the Federal agency or its delegatee shall:

- a) Notify all consulting parties and invite their views on the effects
- b) Proceed with the assessment of adverse effects

STEP 3: ASSESSING EFFECTS ON HISTORIC RESOURCES

If the Federal agency or its delegate finds that there are historic resources within the area of potential effects that *may be affected*, then the Federal agency or its delegate is responsible for applying the criteria of adverse effect for those properties in consultation with the SHPO and other consulting parties. The Federal regulations state that an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of an historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of adverse effects are found at 36 C.F.R. § 800.5(a)(2).

Finding of no adverse effect

If the Federal agency or its delegatee proposes a finding of no adverse effect *and* there is agreement, then it shall notify the SHPO, all consulting parties, and the general public of its findings, provide the SHPO and all consulting parties with supporting documentation pursuant to 36 C.F.R. § 800.11(e), make supporting documentation on the finding available to the general public upon request, and maintain a record of the finding. The supporting documentation is recorded below:

Summary of documentation requirements for historic properties affected:

- 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- 2) A description of the steps taken to identify historic properties;
- 3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- 4) A description of the undertaking's effects on historic properties;
- 5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects; and
- 6) Copies of summaries of any views provided by consulting parties and the public.

Finding of Adverse Effect

If the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall proceed to resolve the adverse effects.

STEP 4: RESOLVING ADVERSE EFFECTS

When the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall:

- a) Continue consultation to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties pursuant to 36 C.F.R. § 800.6.
- b) Notify the Council of the finding, provide the Council with documentation specified under 36 C.F.R. § 800.11(e), and, where applicable, invite the Council to participate in consultation.
- c) Assuming there is agreement, execute a memorandum of agreement (MOA) that establishes how the adverse effects will be resolved, and ask the SHPO, and any invited signatories or concurring parties to sign the MOA.
- d) Provide a copy of the executed MOA to the Council.

SUMMARY

The best way to reduce the time needed for Section 106 review is for the Federal agency or its delegatee and the applicants for funding or licensing to plan their projects so as to avoid adverse effects on historic properties. This can be done if the Federal agency or its delegatee its applicant identify all historic properties or important archaeological sites at the beginning of project planning, use The Secretary of the Interior's Standards for Historic Preservation Projects as a guide to designing project that will affect historic properties, and contact the SHPO before reaching any final decisions on project design.

Questions should be directed to the Division of Historic Preservation and Archaeology ("DHPA") at (317) 232-1646 or by writing to the DHPA at the Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

Introduction to Section 106 Review

Participant's Course Book

A two-day training course jointly sponsored by the

Advisory Council on Historic Preservation

1100 Pennsylvania Ave., NW, Room 809

Washington, DC 20004

(202) 606-8505

www.achp.gov

and

University of Nevada, Reno

College of Extended Studies

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Reno, NV 89557

(775) 784-4046

www.dce.unr.edu/hrm

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JANUARY 2000

Determining an undertaking's area of potential effects

The agency's first step in establishing the scope of needed identification efforts is to determine the undertaking's area of potential effects. This is done in consultation with the SHPO/THPO. [36 CFR §800.4(a)(1)] The area of potential effects (APE) is defined as:

... the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. [36 CFR § 800.16(d)]

If there is disagreement concerning the extent of the APE, the consulting parties may seek guidance and assistance from the Council. Also, the Council can elect to issue an advisory comment to the agency on its APE determination. [36 CFR § 800.9(a)] If this occurs, the agency has to consider the views of the Council in reaching a final decision regarding the boundaries of the APE.

Points to remember. When defining an area of potential effects (APE), agencies need to remember that:

1. The APE is defined before identification begins, when it may not yet be known whether any historic properties actually are within the APE. To determine an APE, it is not necessary to know whether any historic properties exist in the area.
2. An APE is not determined on the basis of land ownership.
3. The APE should include:
 - all alternative locations for all elements of the undertaking;
 - all locations where the undertaking may result in disturbance of the ground;
 - all locations from which elements of the undertaking (e.g., structures or land disturbance) may be visible or audible;
 - all locations where the activity may result in changes in traffic patterns, land use, public access, etc.; and
 - all areas where there may be indirect as well as direct effects.
4. An APE need not be a single area and need not always have hard and fast boundaries. There may be different APEs for

different effects of an undertaking. Revising project plans may also lead to revising APE boundaries.

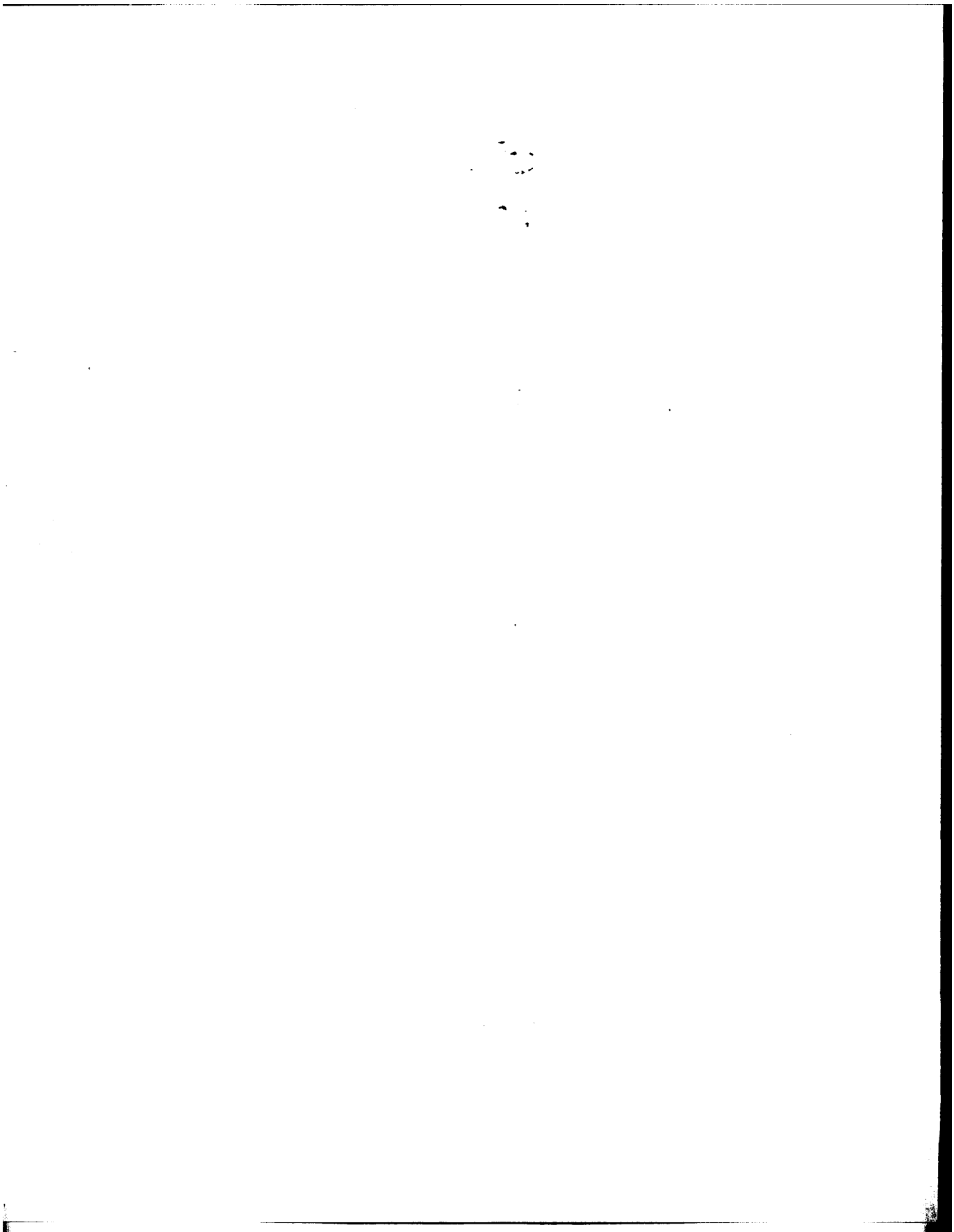
5. Determining an APE does not mean that any historic properties within its boundaries must be preserved. They will, however, have to be taken into account during the review process.

The agency is required to document its determination of the APE. [36 CFR §800.4(a)(1)] The general standard for documenting determinations, including the APE, is that the determination be "supported by sufficient documentation to enable any reviewing parties to understand its basis." [36 CFR §800.11(a)] The agency should use appropriate graphic materials to illustrate the APE, so that the Council, the SHPO/THPO, another consulting party or a member of the public could readily comprehend its scope.

Gathering existing information

The agency should next ascertain what information is already known about properties in the APE. This should include both reviewing known information and conferring with consulting parties and members of the public who might have knowledge of resources in the area and concerns regarding the undertaking's potential impacts on historic properties. [36 CFR §800.4(a)(2-3)]

The regulations specifically require that the agency seek information from Indian tribes and Native Hawaiian organizations about properties that may be of religious and cultural significance to them. However, because of the nature of the properties in question, these groups may not wish to divulge information about such properties. Such properties may have spiritual or sacred values for those who ascribe significance to them, or may be used in ongoing cultural activities that may not be readily shared with outsiders. Thus, it may be strongly desired that both the nature and the precise location of the property be kept secret. Agencies should work with Indian tribes and Native Hawaiian organizations to address such confidentiality concerns. [36 CFR §800.4(a)(4)]



Advisory Council on Historic Preservation

**Section 106 Regulations Users Guide
Regulations Summary****Introduction**

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Council. These regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective June 17, 1999, and are summarized below.

Initiate Section 106 process

The responsible Federal agency first determines whether it has an undertaking that could affect historic properties, which are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking has no potential to affect historic properties, the agency has no further Section 106 obligations.

Identify historic properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO/THPO and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures, and objects listed in the National Register are considered; unlisted properties are evaluated against the National Park Service's published criteria, in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the National Park Service. Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO and, barring any objection in 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

Assess adverse effects

The agency, in consultation with the SHPO/THPO, makes an assessment of adverse effects on the

identified historic properties based on criteria found in the Council's regulations.

If they agree that there will be no adverse effect, the agency proceeds with the undertaking and any agreed-upon conditions.

If the parties cannot agree or they find that there is an adverse effect, the agency begins consultation to identify ways to avoid, minimize, or mitigate adverse effects.

Resolve adverse effects

The agency consults with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. The Council may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Implementation

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

Failure to resolve adverse effects

If consultation proves unproductive, the agency or the SHPO/THPO, or the Council itself, may terminate consultation. If a SHPO terminates consultation, the agency and the Council may conclude an MOA without SHPO involvement. However, if a THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, the Council must provide its comments. The agency must submit appropriate documentation to the Council and request the Council's written comments. The agency head must take into account the Council's written comments in deciding how to proceed.

Tribes, Native Hawaiians, and the public

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the Federal Government and Indian tribes. Even if an Indian tribe has not been certified by NPS to have a THPO who can act for the SHPO on its lands, it must be consulted about undertakings on or affecting its lands on the same basis and in addition to the SHPO.

INFORMATION NEEDED TO BEGIN THE SECTION 106 REVIEW PROCESS
(Updated as of 09/27/99)

To begin the Section 106 historic preservation review process, the Federal agency or its delegate needs to establish whether there is an undertaking that has the potential to affect historic resources and, if so, identify listed or eligible historic properties or archaeological sites. Also, if desired, the Federal agency or its delegate may begin to evaluate the nature of the project's effect on any such properties or sites. Then, the Federal agency—or authorized consulting party, such as an applicant for funding or licensing—should submit the following items to the State Historic Preservation Officer (SHPO) at the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (DHPA), 402 West Washington Street, Room W274, Indianapolis, Indiana 46204 (telephone number 317-232-1646). The letter should provide the SHPO with sufficient information about the project, its location, and how it will affect historic properties to enable the SHPO to reach his own conclusions regarding whether historic properties are present and the nature of the project's effect on any such properties.

The SHPO or his staff at the DHPA will notify the Federal agency or its delegate if basic elements needed in the submission for SHPO review are missing. The SHPO will attempt to send such notifications within two to four weeks after the initial submission.

CHECKLIST: INITIAL ITEMS TO BE SUBMITTED TO THE SHPO FOR THE SECTION 106 REVIEW

Step 1: Initiating the Section 106 Review Process

- ___ A) A letter or a copy of a letter from the Federal agency or its delegate (e.g., in the case of Community Development Block Grant [CDBG] or HOME funds from the U.S. Department of Housing and Urban Development [HUD], the local government delegate; except that where Indiana Housing Finance Authority [IHFA] is providing grant funds directly to a non-profit organization, IHFA will be the delegate) naming the undertaking (i.e., the project, program, or activity) and identifying the consulting parties (e.g., the applicant, local governments, local historical societies or other preservation organizations, or a county historian who have expressed, or may be expected to express, an interest in or concern about the undertaking), unless the Federal agency or its delegate has already provided authorization directly to the SHPO.
- ___ B) Where applicable, if another person or organization is authorized to represent a consulting party named by the Federal agency or its delegate in the Section 106 review process, then a letter should be provided from the consulting party clearly indicating who that authorized representative is (e.g., a particular regional planning agency, grant administrator, architect, engineer, or consultant);
- ___ C) The name of the Federal agency or its delegate, that has direct or indirect jurisdiction over the project, activity, or program, and, if applicable, the name of the program. For example, if grant funds will be used or a license, permit or other approval by a Federal agency or its delegate is required, then identify the source of the grant funds (e.g., federal CDBG money from the Indiana Department of Commerce's Community Focus Fund, or federal funds from Rural Development or the Federal Highway Administration) or simply the name of the agency issuing a license, permit or other approval (e.g., U.S. Army Corps of Engineers, Federal Deposit Insurance Corporation);
- ___ D) An overall description of the undertaking (or project) and its location (including address, city, township, and county);

Step 2: Identifying Historic Resources

Determining the Scope of Identification

- ___ A) Define the area of potential effects (the geographic area or areas within which an undertaking may cause changes in the use or character of historic properties, if any such properties exist; *includes effects that are direct or indirect, cumulative, later in time, or at a distance*); and provide a map or a good quality photocopy of a map containing the following:
 - i) The boundaries of the area of potential effects *and* the precise location of the project area within those boundaries clearly outlined in dark ink (highlighter and pencil do not photocopy well) on the a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map;

- ii) The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes);

Evaluating Historic Resources

- ___ B) Give the precise location of any buildings, structures, and objects within the area of potential effects (e.g., addresses and a site map with properties keyed to it);
- ___ C) Gather and organize documentation on buildings, structures, and objects within the area of potential effects including: dates of construction, statement of any known modifications to individual buildings, structures, and objects, associations with significant events or persons, and any other historical information known about the land, buildings, and structures within the area of potential effects;
- ___ D) Describe the existing condition of any vacant land within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicate the part or parts of the project area that have been disturbed; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose;
- ___ E) Document the sources checked (i.e., using correspondence, bibliographical citations [e.g., title, author, page number], or copies of relevant materials obtained from oral history interviews, sample field investigations, field surveys, background research, consultation with a county historian, a local historical or historic preservation organization, or reference materials such as the interim report of a local historic sites and structures inventory);
- ___ F) Provide recent, clear photographs or good quality computer-generated images (not photocopies) showing the exterior (and interior, if feasible) of any buildings, structures, or objects that could be affected in any way (such as by demolition, rehabilitation, expansion, taking of right-of-way, or visual modification or obscuration) by the project;

Documenting Findings

- ___ G) Summarize the Federal agency's or its delegate's findings regarding the existence of historic properties within the area of potential effects by providing a list of historic and non-historic resources ("historic" resources or properties are those that are listed in or eligible for inclusion in the National Register of Historic Places) and the reasons underlying those conclusions;

Step 3: Assessing Effects on Historic Resources:

- ___ A) Provide a detailed scope of work and describe how any land, buildings, structures, or objects, within the area of potential effects could be physically altered or visually modified or obscured as a result of the proposed work;
- ___ B) State whether or not any buildings, structures, or objects might be demolished or otherwise disposed of as a result of the acquisition or construction of a new facility, and, if so, be sure to proceed with the following:
 - ___ i) Provide a site plan for undertakings that will involve new construction, additions to existing buildings, changes in right-of way or earthmoving activities:
 - a) Showing the footprint of existing and/or proposed buildings or structures;
 - b) With the precise location of all construction, changes in right-of-way or earthmoving activities on a particular lot or lots clearly marked;
 - ___ ii) If applicable, describe whether or not the buildings, structures, or objects to be demolished or otherwise disposed of are currently owned or leased by a Federal agency.
- ___ C) Summarize the Federal agency's or its delegate's findings regarding the effects on historic properties within the area of potential effects by outlining the reasons for your conclusions.

Depending on the nature of the undertaking and the properties it could affect, the SHPO or his staff in the DHPA may request additional information, such as the report of an archaeological investigation of a vacant parcel of land, a structural report on a building to be demolished, or photographs of work areas and detailed plans and specifications of proposed rehabilitation work. This information usually need not be provided in the initial submission to the SHPO, however. For more information on the process refer to the Federal regulations at 36 C.F.R. Part 800, which are available on the Internet at www.achp.gov.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT E

**LETTERS FROM
INDIANA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL UNIT**



Indiana Department of Natural Resources

Environmental Unit
Division of Wa402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2641

Frank O'Bannon, Governor
John Goss, Director

January 7, 2003

Troy W. Garriss
Weiner Brodsky Sidman Kider
1300 Nineteenth Street NW, Fifth Floor
Washington, DC 20036-1609

RE: Railroad abandonment exemption ~ DNR # CTS-ER-9985

Dear Mr. Garriss:

This is an informational letter in response to your request for an Environmental Review received at the Division of Water on January 7, 2002 for the above project in Laporte County. We would like you to know that the review is in process. If you should want to check on the status of the review, you may call the number listed above. Please refer to the above DNR # when calling and on all future correspondence regarding this project.

For your information, as of March 4, 2002, the Environmental Unit has been relocated to the Division of Water office, and I have taken over the position of Steve Jose as the new Environmental Coordinator. Also, if you have sent any Environmental Review requests to anyone in the Division of Outdoor Recreation, please eliminate this process immediately (that Division does not comment on these reviews unless the project is on or near a Land and Water Conservation Fund site). This will help in eliminating duplicate requests. **Please send any future Environmental Review requests to:**

Department of Natural Resources
Division of Water, Environmental Unit
Christie Kiefer, Environmental Coordinator
402 West Washington Street, W264
Indianapolis, IN 46204-2641

For future reference, always send three (3) entire copies of your Environmental Review request (in the same envelope preferably). When we receive these, we route one entire copy for review by the Division of Water and the Division of Nature Preserves, the second copy to the Division and Fish and Wildlife, and the third copy is forwarded to the Division of Historic Preservation for a separate review. If you have already sent or are going to send an Environmental Review request to the Division of Historic Preservation separately, **please state it on your cover sheet and submit only two (2) copies.**

If you have any questions or comments, please contact Tisha Rice, Environmental Secretary at the number above, or email her at trice@dnr.state.in.us.

Sincerely,

Christie L. Kiefer
Environmental Coordinator

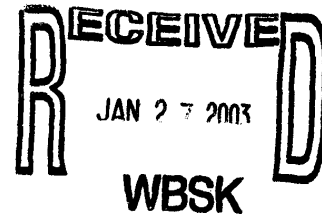


Indiana Department of Natural Resources

Frank O'Bannon, Governor
John Goss, Director

Environmental Unit
Division of Water
402 W. Washington Street, Rm. W264
Indianapolis, IN 46204-2641

22 January 2003



Mr. Troy W. Garris
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington, DC 20036-1609

Re: DNR #9927 - Railroad abandonment; LaPorte County

Dear Mr. Garris:

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

The Flood Control Act (IC 14-28-1) requires the prior formal approval of the Department of Natural Resources for any proposal to construct, excavate, or fill in or on the floodway of a stream or other flowing waterbody which has a drainage area greater than one square mile. Please submit more detailed plans to the Division of Water's Technical Services Section if it appears that any work will take place in a floodway.

The Natural Heritage Program's data have been checked. To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Our agency appreciates this opportunity to be of service and apologizes for not being able to respond sooner in this matter. Please do not hesitate to contact Christie L. Kiefer, Environmental Coordinator at (317) 232-4160 or at 1-877-928-3755 if we can be of further assistance.

Sincerely,

Michael W. Neyer, PE
Director
Division of Water

Note: Please include the above DNR # on any future correspondence regarding this project.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT F

**LETTER FROM
U.S. DEPARTMENT OF AGRICULTURE'S
NATURAL RESOURCES CONSERVATION SERVICE**

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46268

January 13, 2003

Troy W. Garriss
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW
Fifth Floor
Washington DC 20036-1609

Dear Mr. Garriss:

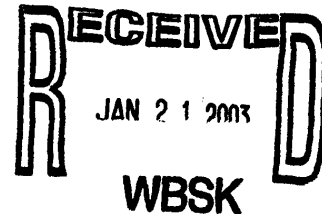
The proposed abandonment of the rail line near Michigan City, LaPorte County, STB Docket No. AB-846X and Docket No. AB-344 (Sub-No. 2X) as referred to in your letter received January 2, 2003, will not cause a conversion of prime farmland.

We thank you for the opportunity to comment on the above-mentioned project and if you need additional information, please contact Phil Bousman at 317-290-3200, extension 385.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT G

**LETTER FROM
INDIANA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF HISTORIC PRESERVATION AND ARCHAEOLOGY
(SHPO)**



Indiana Department of Natural Resources

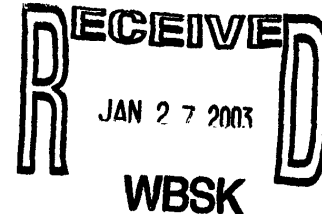
Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

January 13, 2003

Frank O'Bannon, Governor
John Goss, Director



Troy W. Garis
Weiner Brodsky Sidman Kider PC
1300 Nineteenth Street NW, Fifth Floor
Washington DC 20036-1609



Federal Agency: Surface Transportation Board ("STB")

Re: Abandonment of approximately 0.6 miles of the Chicago South Shore and South Bend rail line from approximately milepost 157.9 to approximately milepost 158.5 (Docket #AB-344 [Sub #2X])

Dear Mr. Garis:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated January 2, 2003, and received by the Indiana SHPO on January 6, 2003, for the above indicated project in Michigan City, Michigan Township, LaPorte County, Indiana.

Based upon the documentation available at Indiana SHPO, we have not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

At this time, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4(d)[1] and 800.2(d)[2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4 (d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

We look forward to receiving notice of the STB's findings. *A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference.* If you have questions about our comments, please call Karie A. Brudis of our office at (317) 232-1646.

Very truly yours,

Paul Ehret
Deputy Director

JCS:KAB:kab

cc: Elaine K. Kaiser, Surface Transportation Board

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-846X

**ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC
- ABANDONMENT EXEMPTION -
IN LAPORTE COUNTY, IN**

AND

STB Docket No. AB-344 (Sub-No. 2X)

**CHICAGO SOUTHSORE & SOUTH BEND RAILROAD
- DISCONTINUANCE EXEMPTION -
IN LAPORTE COUNTY, IN**

EXHIBIT H

CERTIFICATE OF SERVICE AND PUBLICATION

CERTIFICATE OF SERVICE AND PUBLICATION

Based on the attached affidavit, I hereby certify to the following: (1) a newspaper notice alerting the public to the proposed abandonment of, and discontinuance of service over, the Subject Line was published on December 1, 8, and 15, 2002, in the Michigan City News Dispatch (a newspaper of general circulation in the county); (2) on November 25, 2002, a notice of the proposed abandonment and discontinuance was deposited in the mail for sending by first-class mail, postage prepaid to the state and federal agencies and county commissioners listed on the service list attached hereto as Attachment 2; (3) on January 2, 2003, a copy of the Environmental and Historic Report was deposited in the mail for sending by first-class mail, postage prepaid, to the same state and federal agencies and county commissioners; and (4) on February 10, 2003, a copy of this jointly filed Notice of Exemption was deposited in the mail for sending by first-class mail, postage prepaid, to the same state and federal agencies and county commissioners, and also directly to the Bloomington office of the U.S. Department of Interior's, Fish and Wildlife Service, Bloomington Field Office, 620 South Walker Street, Bloomington, IN, Attn.: Scott E. Pruitt.



Troy W. Garis

ATTACHMENT 1
AFFIDAVITS OF PUBLICATION

[illegible][illegible]

\$120.00

Proof of Publication Notice

STATE OF INDIANA, LAPORTE COUNTY, SS.

Before me
Jennifer P. Mann
a Notary

Public, this day personally came

Julie Wahll

who, being duly sworn according to law, says that she is a

of THE NEWS-DISPATCH, a daily newspaper published at Michigan City, Indiana,

in said County, and that the notice, of which the annexed is a true copy, was published

In said paper on the	1st	day of	December	2002
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and	8th & 15th	days of	December	2002
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being three weeks successively.

Subscribed and sworn to before me this

day of December 2002

Jennifer P. Mann
 Jennifer P. Mann, Notary Public
 County of Residence: La Porte
 My Commission expires: June 13th, 2008

ATTACHMENT 2
AGENCY SERVICE LIST

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Bill Hager, Commissioner

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Marlow Harmon, Commissioner

LaPorte County Board of Commissioners
813 Lincolnway, Suite 301
LaPorte, IN 46350-3400
ATTN.: Clay Turner, Commissioner

Office of the Governor
200 West Washington Street
State House
Room 206
Indianapolis, IN 46204
ATTN: John Larmore, Deputy Counsel

Office of the Governor
200 West Washington Street
State House, Room 206
Indianapolis, IN 46204
ATTN: Beth Compton, Executive Assistant for
Environmental Mgmt. and Depart. of Natural
Resources

Office of the Governor
200 West Washington Street
State House, Room 206
Indianapolis, IN 46204
ATTN: Joe Smith, Executive Assistant for
Transportation

Governor Frank O'Bannon
Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46204-6015

Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46204-6015
ATTN: Lori Kaplan, Commissioner

Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington St., Rm. W-273
Indianapolis, IN 46204
ATTN: Environmental Coordinator

Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Room W274
Indianapolis, IN 46204
ATTN.: John R. Goss, Division Director

Indiana Department of Transportation
Railroad Section
100 North Senate Avenue
Room N-901
Indianapolis, IN 46204
ATTN.: Michael Scime, Railroad Section Manager

U.S. Department of Agriculture
Forest Service
P.O. Box 96090
Washington, D.C. 20250-6090
ATTN.: Chief of Forest Service

U.S. Department of Agriculture
Natural Resources Conservation Services (NRCS)
6013 Lakeside Blvd.
Indianapolis, IN 46278
ATTN: Jane Hardisty, State Conservationist

U.S. Army Corps of Engineers
Chicago District
111 N. Canal, 6th Floor
Chicago, IL 60606
ATTN.: Donald Valk, Esq.

Office of Counsel
U.S. Army Corps of Engineers
Headquarters
441 G Street, NW
Washington, DC 20314-0018
ATTN.: Counsel

United States Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604
ATTN.: Director

Department of Interior
National Park Service
National Center for Recreation and Conservation
1201 Eye Street, NW, 9th Floor
Washington, D.C. 20240
ATTN.: Tom Ross

MTMCTEA
Railroads for National Defense Program
720 Thimble Shoals Boulevard
Suite 130
Newport News, VA 23606
ATTN.: Director

Department of Commerce-NOAA
National Geodetic Survey; N/NGS2
1315 East West Highway; Station 8813
Silver Spring, MD 20910
ATTN.: Edward McKay, Chief-Spatial Reference
Division

Department of Interior
U.S. Fish & Wildlife Service, Region 3
Bishop Henry Whipple Federal Building
One Federal Drive
Fort Snelling, MN 55111-4056
ATTN.: Judy West

Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W., Mail Stop 2540
Washington, D.C. 20240
ATTN.: Bill Shaddox

VERIFICATION

I, Peter Gilbertson, Chairman of the Illinois Indiana Development Company, LLC
("IIDC"), certify under penalty of perjury that those portions of the foregoing notice of exemption
related to IIDC are true and correct to the best of my knowledge, information and belief. Further,
I certify that I am qualified and authorized to cause this notice of exemption to be filed.

A handwritten signature in black ink, appearing to read 'Peter Gilbertson', written over a horizontal line.

Peter Gilbertson

Dated: February 10, 2003

VERIFICATION

I, H. Terry Hearst, President of the Chicago SouthShore and South Bend Railroad ("CSS"), certify under penalty of perjury that those portions of the foregoing notice of exemption related to CSS are true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to cause this notice of exemption to be filed.


H. Terry Hearst

Dated: February 10, 2003